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The Solicitors' Journal.

LONDON, DECEMBER 30, 1865.

THE FOLLOWING ORDER of Court has just been issued:—"I, the Right Hon. Robert Monsey, Baron Cranworth, Lord High Chancellor of Great Britain, do hereby, in pursuance and execution of the powers given by the statute 28 & 29 Vict. c. 99, order that any suit or matter transferred from any County Court to the Court of Chancery under the provisions of section 9 of the said statute shall proceed in the Court of the Hon. the Vice-Chancellor Sir Richard Torin Kindersley. Dated this 23rd day of December, 1865.—CRANWORTH, C."

A STATEMENT has been going the rounds of the daily press to the effect that "the state of Sir Hugh Cairns' health is such as, under medical advice, to render a winter sojourn in the south of France—it is understood to be Cannes—desirable." And this rumour is accompanied with the charitable hope "that a temporary abstinence from arduous professional duties, and warm climate influences, will have the effect of completely restoring the learned gentleman to mental and bodily vigour."

We are, however, in a position to state that the report in question is practically unfounded. It is indeed true that Sir Hugh and Lady Cairns and family left town yesterday for the south of France, where they purpose remaining till after the meeting of Parliament. It is not true, however, that the learned gentleman has been suffering from ill-health, in the sense in which that term is generally understood, still less that he is now out of health at all.

We believe the exact truth to be that, early in last Long Vacation, Sir Hugh Cairns "suffered from" a relaxed sore throat, producing a considerable weakness of voice, which he found so inconvenient during last Michaelmas Term, that he determined upon spending a short time in the south of Europe to get rid of it. The learned gentleman has, however, to all appearance, perfectly recovered, and he himself states that that is so, and that he is now going abroad as a precautionary measure merely; partly because having made all his arrangements for so doing he does not like to alter them, and partly in the hope that a short rest will so completely re-establish his throat as to secure him against any return of the affection in question.

IT HAS LONG BEEN one of the great difficulties of our law reformers to decide what is to be done with refractory juries. On the one hand the old system of forcing a jury, by the mere stress of physical privations, into an unanimous frame of mind, is justly exploded as barbarous, and, on the whole, not calculated to further the ends of justice; and, on the other, a jury is a machine for eliciting the truth, or, at any rate, for deciding the point at issue, of so costly a nature that it is neither just nor expedient to run the risk, upon any other than the most cogent grounds, of throwing away all the time and expense of a trial. Recollect that a juryman is an irresponsible judge; he gives no account of his reason for his verdict, even to his brother jurors, unless he pleases; and he is just as likely to be led astray by some crotchet of his own, or pleasing fallacy on the part of one of the advocates, as to arrive at the true merits of the case for himself. For this cause is it, in order that the opposing idiosyncracies of his fellows may counteract the crotchet of any individual, that unanimity on the part of a jury is of so much importance, because it is next to impossible that the whole twelve should be moved to the same conclusion unless that conclusion were founded on something better than fallacy or individual whim.

But if the agreement in question be seeming merely, and not real; if it arise not from the fact that the jury are indeed all convinced that the plaintiff is right, or *vice versâ*, but because unable to bear the torture of personal privations, they have agreed to liberate themselves by a verdict (or *falsidict*) on one side or the other; then all the advantage of consentaniety is lost. This is the great argument in favour of accepting the verdict of a majority, or of discharging the jury after a moderate time of disagreement. On the other hand, if our crotchety or prejudiced juror knows that he has nothing to do but to sit doggedly silent for some six or seven hours at most, and he must be discharged at the end of that time, although an opinion opposed to his prevails with everyone else who knows anything of the case, including his eleven fellows, there are many who will gladly adopt that course rather than either yield their own notion or take the trouble to defend it; and the increasing number of jury trials which terminate in the discharge of the jury without a verdict, is becoming an evil of so formidable a character as seriously to endanger the institution altogether, at least as an instrument for the decision of issues in civil actions. One of our colonial judges, however, has applied to this disease a remedy which, although it failed in the particular instance, is yet most "noteworthy," and is calculated to point towards that *via media* which in all human concerns is most likely to prove *via tuta*.

We read in a contemporary that a Canadian jury has been exposed to a class of confinement for the purpose of compelling a verdict, which, while free from the barbarous cruelty of the old system, enormously exceeded in duration anything which our forefathers ever thought of. The story is as follows:—Some persons were tried lately at Montreal upon a charge of endeavouring to kidnap Mr. G. N. Sanders. The trial lasted several days, and on the 20th of October the jury retired to consider their verdict. They came into court many times, and had colloquies with the judge, stating that they could not agree; and the counsel for the prisoners claimed that this being so an acquittal should be directed, but the judge held otherwise, because he considered the charge fully proved beyond all reasonable doubt, and in fact intimated plainly that the jury were perverse. Thus matters went on, the judge stating that the jury appeared to be in no danger of physical exhaustion, and that they were to be treated as if in an hotel. Accordingly he kept them in their room at their task until the end of the sittings on Monday, the 30th of October, and then discharged them, telling them that they had caused a failure of justice for the time, but that he should remand the prisoners to gaol to await the next sittings in March.

How far this course was permissible in the case of a criminal prosecution we do not now propose to discuss, but it seems to us tolerably well adapted to meet the difficulty in civil actions.

If the difference of opinion between the jurors be on a point of real doubt, and the jury be tolerably evenly divided upon the question, it is indeed hopeless, and would not, on the whole, be desirable, to force, from the physical weakness of the men, a seeming concurrence; but the course pursued by the learned judge involves no such consequences, while it is in the highest degree unlikely that any mere whim or prejudice could hold out for such a length of time against the arguments of the others. Of course cases of extreme perversity or of corruption might and would sometimes occur, but we should soon cease to hear, as we now do, of one or more abortive

trials of almost every case in which the facts are strongly contested. Nor is it morally possible for anyone to maintain for such a length of time a dogged unreasoning silence without stirring up in those who were the victims of his obstinacy a feeling which few men would care to excite, and thus we might fairly hope that the instances of permanent disagreement amongst juries would become comparatively rare, while no one could reasonably allege that his health was injured or his mind overpowered by protracted bodily suffering.*

WE LEARN from a contemporary that Dr. Underhill has written to Jamaica to engage the services of Mr. George Phillippo, a barrister well acquainted with English and Jamaica law, and of Mr. Harvey, a solicitor. As Governor Eyre accused Dr. Underhill personally of various offences, it is supposed that the latter will be entitled to a *locus standi* before the Commissioners, and thus be able to secure a fair hearing for the missionaries' side of the case.

THE VERY CARELESS WAY in which mercantile men transact some of the most important business operations is painfully exemplified in the case of *Fowler* v. *Graves*, recently tried before the Lord Chief Baron. A policy of insurance had been effected by the plaintiff with the defendant, an underwriter on goods which were lost at sea, and the plaintiff now brought his action to recover the amount of their value. The plaintiff has for many years been acting as agent of Messrs. Henderson, a firm at Kingston, in Jamaica, and was in the habit of regularly shipping goods to Henderson by the line of steamers which runs twice a month between Southampton and Jamaica, on fixed dates. He invariably insured the goods, but not until he received the bills of lading. As a rule the insurances, therefore, were effected after the steamer had sailed. On the 5th of January last the plaintiff shipped goods on board the *Askalon*, that being the day fixed for the vessel to sail, and on the 16th the plaintiff received a bill of lading. Ten days after, namely, on the 16th, the plaintiff went to the defendant's office, and the 18th a policy of assurance was drawn up expressing to be by any steamer from Southampton to Jamaica. The name of the ship was not mentioned to the defendant, and the first time he heard it was on the 3rd of February, when the news reached Lloyd's that the *Askalon* had been lost on the 16th of January. On the part of the defendant it was urged that the name of the ship was a material fact known to the plaintiff, and which he ought to have communicated to the defendant. The plaintiff contended that it was a common practice to insure goods without mentioning the name of the ship, and that the defendant could not be prejudiced by not knowing the name of the ship, as the *Askalon* was one of a regular line of steamers running on fixed days.

An important point in the defendant's evidence was that when the name of a vessel is not mentioned, the underwriter regards that as importing that the risk had not commenced, and that the assured is in ignorance of the ship on board of which it is intended to send out the goods. And the gentleman who had effected the policy said that the weather was very tempestuous between the 6th and the 16th of January, and that he would not have taken the risk had he been informed as to the day the ship had sailed. In summing-up the case the Lord Chief Baron stated to the jury that the name of the ship was a material fact which ought to have been communicated. The jury found for the defendant.

The importance of this case to the mercantile world, and especially to insurers, cannot be over estimated. The day following that on which the report of *Fowler* v. *Graves* appeared in the daily press, a letter from the plaintiff was inserted in the *Times*, in which he states that he has effected insurances in exactly the same manner for seventeen years and on this occasion, which is his first claim, he finds that if he had never insured his goods they would have been quite as much insured, as the result of this action proves.

If this statement be accurate, we are astonished that the underwriters on some of his policies did not take the trouble of inquiring when he "intended to declare on the policy," as, until declared, they could never tell whether they were "on risk" or not, and it is hardly consistent with mercantile usage that policies of this sort should remain open for so long a period. We do not see, however, any reason to suppose that the underwriters remained quiescent with any view of cheating, and therefore it is that we desire to call the attention of mercantile men to the carelessness displayed by the plaintiff in keeping back information which must, on every occasion of an insurance, be known to the insurer as soon as he received the bill of lading, and which ought, in every case, to be declared as soon as known. The result has come about that the first claim is repudiated and the plaintiff has to suffer the chagrin of knowing that he has paid in premiums on valueless policies more than sufficient to have replaced his present loss.

WE UNDERSTAND that Mr. James Paterson, barrister-at-law, has been appointed one of her Majesty's Special Commissioners for English Fisheries under the recent Salmon Fishery Amendment Act of 1865. By this Act three commissioners were to be appointed (one of whom was to be a barrister of seven years' standing) to decide upon the legality of the weirs and fixed nets and engines as at present used in the English salmon rivers, and to put down those that are illegal. The commission is to be in force for two years. Mr. Paterson, who is understood to be the legal commissioner, is the author of "A Treatise on the Fishery Laws of the United Kingdom," "A Treatise on the Game Laws." "A Compendium of English and Scotch Law, stating their differences," and other legal works. The other two Commissioners are Rear Admiral Wallace Houston and Frederick Eden, Esq.

OUR CORRESPONDENT, whose letter appeared last week respecting the condition of the building, the lower part of which is occupied by the Patent Office recently presided over by Mr. Leonard Edmunds, and the first floor of which is for the present in possession of five of the registrars of the Court of Chancery, does not, if we are to judge from the evidence of our senses, speak without ample reason. Lord Westbury's conduct when he allowed the Board of Works to take possession of the building for the purpose of adding a storey, was, to use the mildest language, a blunder, and showed a want of consideration for those unfortunate officials, and an almost childlike impatience to take a first step in carrying out his great scheme of a Palace of Justice. No one can rejoice more than we do at the prospect of a speedy realisation of this scheme, but it is not really advanced by precipitate measures of this sort. We can confirm our correspondent's statement that the place is ill-lighted, for the skylights have been permanently blocked up, and the passage is now lighted with gas kept burning all day. There is no ventilation to let-off the air vitiated by this gas; and, to make matters worse, the bad air from the lower floor is, by an ingenious contrivance, added to that above, and has no means of escape thence. Some of the rooms are darkened by the projecting scaffold and by other devices for obstructing light only known to bricklayers and carpenters, while the villainous odour caused by the evaporation produced in drying the ceilings, which were saturated in some of the recent storms, is at times overpowering. Add to all this that the noise of hammering is continuous throughout the day, varied by an occasional thunder-clap caused by the discharge of a hod of bricks on to the stage above, and our readers will have an accurate picture of the place in which the

* If any of our readers wish to know what juries have been subjected to in this country, at a period not so very distant from the present, let him read the story of *Penn's case*, given by the late Mr. J. G. Phillimore, in his work on Evidence.

Court of Chancery draws up five-elevenths of its orders, and where it invites solicitors to attend for that purpose.

If it were necessary that this work should have been begun at all before the Palace of Justice was completed, surely it might have been begun and finished in the Long Vacation, when the offices were unoccupied, and no business was going on which could be impeded by unearthly noises or disgusting smells. Perhaps it is not competent for us to form an opinion whether the alteration was necessary or not, but, nevertheless, we have formed a very decided opinion that the Patent Office, having waited so long, could have waited for a few years longer; or, at least, if they were to profit by the confusion, they might have been content to suffer a little present inconvenience rather than inflict so serious an injury on the conduct of public business; and the learned lord who sanctioned the taking of the building for this purpose might well have found temporary premises where the profession could transact their business with the officers of the court.

Even now it is not too late to provide other rooms in lieu of those so much disturbed, and, unless the noise is to be abated and the ventilation improved before the commencement of Hilary Term, it is but bare justice to require that some effective alteration should be made in the present arrangements.

It is so common to find that some Act of Parliament, passed for a specific object, has proved a failure, that one ceases to be surprised on hearing this, and the difficulty seems to be to point to any enactment which precisely effects its object. When, then, we find that the City Traffic Regulation Act, 1863, has proved a failure, in so far that there has been no perceptible relief to the traffic, nor any greater safety to life and limb, in consequence thereof, we must only accept it as the natural result of legislation, being thankful that matters are no worse, and hoping that the next attempt may be more successful.

The Corporation of London are, we hear, promoting a new bill for the regulation of the traffic of the city, which has already been printed and put in circulation. The bill has been prepared by the City Remembrancer and Solicitor, with the assistance of Colonel Fraser, the City Commissioner of Police, and Mr. Oke, the chief clerk of the Lord Mayor. If this combination of legal wisdom and practical knowledge fails to produce something, not only effectual in its operation, but also worthy of its promoters, we shall despair of all legislation for police reform.

The provisions proposed to be inserted in the bill are very extensive, and seek to regulate, not only the course which the traffic of the city shall take, but also the different classes of vehicles which at different times of the day or night shall be allowed to pass through the great thoroughfares, or to stop to load or unload. One very important clause prohibits any person under the age of fourteen from having even the temporary charge of a vehicle and the animal drawing the same in a street; persons under twenty are not to be allowed to drive more than one horse; and persons under sixteen are to be prohibited from driving at all. This is rendered necessary by reason of the reckless manner in which boys are accustomed to drive vans of which they are occasionally left in charge, and of the numerous fatal accidents which thence occur in crowded places. Although without any confidence that such an Act, if passed into law, will effectuate its purposes, we may, nevertheless, hope that *some* substantial benefit will be derived therefrom, and that another year of fatal street-accidents will not have to elapse before Parliament can be again appealed to.

The 8th section of the 28 & 29 Vict. c. 18, was passed for the purpose of giving, as corroborative evidence of the genuineness of disputed handwriting, any letter or document proved to be genuine, so that the two may be compared together. The first case which has arisen under this section discloses a difficulty, and a rather objectionable way of surmounting it. At the Stafford Assizes Job Bostock was indicted for maliciously sending a letter to Edwin Heaton, threatening to kill and murder him. In order to enable the police to identify the handwriting of the prisoner a trap had been laid into which he had readily fallen. One of the police wrote to the prisoner offering him a situation; the prisoner replied by letter signing his own name, and the handwriting of this letter was proved at the trial to be identical with that of the threatening letter complained of. Mr. Justice Keating, in summing-up the case, remarked that "he doubted whether the Legislature could have contemplated, when they passed the Act of last session, that such a mode of procedure would have been resorted to as had been adopted in this case, and he did not think that the good, likely to result from it, would be adequate to the evil of the means of obtaining it."

There is undoubtedly something essentially detrimental to morality in the entrapping an accused person into making evidence against himself, and the remarks of the learned judge aptly suited the occasion which called them forth. In defence of the police, it may perhaps be urged that the accused was an illiterate man, and was in the habit of writing so little that it would have been difficult, by other means, to have procured an authentic specimen to compare with the writing of the objectionable document. And this is a difficulty which may frequently occur under similar circumstances; and the eagerness of policemen or others looking for a reward, and anxious to obtain, by whatever means the proofs of a foregone conclusion will incur, the risk—not only of a severe reprimand from the judge, but of falling in a trap they have laid for another. It may be, therefore, hoped that, if the judges are careful to discountenance this mode of making evidence, the evil is one which, in the end, will find its own remedy.

The review of a legal work, which gives a true and full account of its characteristics, is sufficiently faithful for the purpose of informing the reader that he may judge whether it is worth his purchase or perusal. An ordinary notice in a journal can do no more, particularly when the book reviewed is not of the smallest size, and ranges over many subjects, as is the case with the book we now have in view—"Davidson's Precedents and Forms in Conveyancing." But something more is required for the purposes of practice, however high the reputation of an author may be, or however well he may have succeeded: before reliance can be placed on any particular part of his productions, a critical examination of the page becomes necessary. "Davidson's Conveyancing" has reached its third edition, and has become extended to eight volumes. Nevertheless—or perhaps we ought to say therefore—we doubt whether it has received such an examination as a standard treatise ought to undergo before it is admitted to that distinction. A student puts faith in its authority because, if he have the will, he is diffident of his power to verify its conclusions. A draftsman relies on it from want of time to investigate and weigh the originals, from which the law propounded in the text purports to be deduced, before he sends off the papers which have led him to consult the precedents. It is to a point of law, and some other matters of the introductory treatise in the first volume, to which, for these reasons, we wish to draw a closer attention than they may have hitherto met with.

"Davidson's Precedents" professes to be a very Aristarchus of conveyancing. The *atrum signum* is drawn over many expressions, where, it may be admitted, the custom of redundancy would be more honoured in the breach than otherwise. The draftsman is not to say that A. B. died, leaving C. D., his heir-at-law, "him surviving;" much less is there to be the addition "and the said C. D. thereby became seised, &c." In reciting a mortgage, the draftsman must not, after stating that the "debt was not paid, proceed, in the not uncommon form,

"whereby the estate of the said (*mortgagee*) became absolute, &c."

But such value as these hints about the statement of legal results may have, is, we think, liable to be counterbalanced by including in the same class the admission usually introduced, after reciting the payment of money or any other act done to a party in respect of which it is desired to bind him, by the words "as he (*the party*) doth hereby acknowledge." This practice Mr. Davidson attributes to the "old principle that estoppel could not be by recital." The addition he considers is "now rendered unnecessary, by the cases which have decided that estoppel may be by recital." This conclusion, as it stands, is not logical. It does not follow that because estoppel "may" be by recital, that it will be in the instances of the recitals referred to. One of the cases cited is *Bowman* v. *Taylor*, 2 Ad. & Ell. 278, according to which the question of estoppel, as put by Taunton, J., is whether the party has asserted the matter recited. If the statement in a deed that money was paid were left open, it might be as well the payer's as the receiver's statement. The other case cited is *Lainson* v. *Tremeere*, 1 Ad. & Ell. 792. We have carefully examined both these cases, and find them very special, and wholly inadequate to support a sweeping generality that the admission by the party "is now rendered unnecessary." As estoppel by recital is the point of law to which, in impeachment of the authority of "Davidson's Conveyancing," we expressed a wish to draw attention, we will discuss these two cited cases hereafter when we come to that point. At present we are content to say that estoppel by recital seems, as to the occasion and extent of its operation, to be one of the most difficult and doubtful points of law, and one therefore on which any vague general assertion would most lay an author open to the imputation of rashness. It is sufficient now to contrast with this passage, which treats acknowledgment by the party as unnecessary, because estoppel may be by recital, a passage at page 58, which speaks of the recital of a vendor's seisin in fee as having probably arisen from some wrong notion of the doctrine of estoppel; for that the recital does not operate by way of estoppel to bind the vendor, in case, not being seised at the time of the conveyance, he should become afterwards seised.

Not only the assertion of legal inferences, but the statement of negatives, the draftsman is told, ought to be avoided. Thus, after "to hold as tenants in common," it is "superfluous to add, as is frequently done, 'and not as joint tenants.'" But he is enjoined to drop some other negatives where the propriety of doing so is open not only to question but to denial. It is laid down that, "after stating a mortgage, it is needless to recite that the loan was not repaid on the day appointed." The contrary may be contended for two reasons—first, the form of a mortgage itself, being a conveyance with a proviso for re-conveyance on payment of the money at a certain time, the recital of course mentions this proviso. The logical consequence is, that the inference which this mention of the proviso would otherwise raise—namely, that the proviso took effect—requires to be negatived. Secondly, the statement that the money was not paid, usually happens to be made in the draft of a deed, to which the mortgagor is made a party for the very purpose of giving this acknowledgment. It is true that if he did not make the acknowledgment in form, but only requested a transferree to pay the debt to the mortgagee, the transferree would obtain a mortgage security for the money paid; but if, by any accident, there had been a prior payment by the mortgagor to the mortgagee, unknown perhaps to the representative of the mortgagor, an omission of the usual statement might afford ground for an argument in favour of *puisne* incumbrancers, of whom the transferree had actual or constructive notice; it might, moreover, deprive the transferree of any benefit of estoppel which he could claim against the mortgagor. Clearly this negative statement, objected to in Mr. Davidson's work, is not a naked negative to be put out in any summary fashion.

Again, we find the author condemning, as an obvious breach of the rule against negatives, the universally used recital that a testator "died without altering or revoking" (we prefer to say revoking or altering) "his will." Here also he appears to have been too hasty. A will, being in its nature a revocable instrument, stands on the same footing as a deed made with an express power of revocation. The recital of a will therefore is, for this purpose, equivalent to the recital of such a deed with its power of revocation. Then the question is whether, after the recital of such a deed, a statement of no revocation is not proper. It should be borne in mind that the draftsman, in the will, has not the option which he has in the case of the deed, of omitting any mention of the revocable character of the instrument. The like logical consequence seems to follow here as before, in respect of the recital that a mortgage debt has not been paid.

Another negative, or alleged negative, for which the author says there is "some excuse," is in dealing with an estate which is limited in default of appointment under a power, or in default of issue. But a very little consideration will show that in these cases the apparent negative is in reality a positive. An estate is, by the hypothesis, limited in a certain event. The draftsman recites that the event happened; consequently, the estate took effect. Where is the negative? The author has evidently confounded a negative statement with a negative event.

The further remarks which we have to offer on the introduction to Davidson's Conveyancing we must defer But we may do a service to our readers—particularly to those who may be acquainted with the Dean of Canterbury's strictures on the use of the Queen's English, and remember what he says about stops—if we quote at once a passage, from p. 10: "The precedents in this and other collections are pointed by the printers, according to the usual practice; but no attention is to be paid to the punctuation." It might at least have been more discreet to allow the authors of other collections to speak for themselves, unless, indeed, the remark be merely intended to express the settled rule of construction, that stops occurring in a deed are not to be regarded, as affording too great facilities for tampering with the same. But this consideration is scarcely applicable to precedents, in which the author may be supposed, as well as any other author, to aid his readers by punctuation. Otherwise the stops had better be omitted altogether.

MESSRS. STEVENS & SONS, MAXWELL, SWEET, AND BUTTERWORTH, the publishers of Hurlstone & Coltman's Reports, have issued, with the part just published, the following notice:—

"The publishers beg respectfully to caution the profession against the statement that the authorised reporters of the common law courts intend to bring their respective series to a close, and take service as reporters under an irresponsible body calling itself "The Council of Law Reporting." Mr. Scott has indeed done so, but arrangements have been made with Messrs. O. B. C. Harrison and H. Rutherfurd to continue, under the sanction of the Court of Common Pleas, the regular series of reports in that court, the first part of which will appear early in the ensuing year.

"The regular series of reports in the Court of Exchequer by Messrs. Hurlstone and Coltman, and those in the Queen's Bench by Messrs. Best and Smith, will continue to be published as heretofore."

COLONIAL JUDGES.

There are few members of the junior bar who are not more or less interested in any question relating to the dignity and independence of colonial judges. A colonial appointment is generally regarded either as an object of immediate desire, or at least as a possible refuge after an unsuccessful struggle at the English bar. When we consider the number and extent of our foreign possessions,

it is remarkable that the precise nature of the tenure of office of a colonial judge has hitherto been left in some uncertainty. In those colonies which have a constitution of their own, and are virtually independent, the question is, for the most part, settled by legislation, but in the Crown colonies no such positive enactments are in force. It has, however, been held that a judge can be removed by the governor and executive council of a colony under the provisions of 22 Geo. 3, c. 75, s. 2, subject to an appeal to the Privy Council (*Montagu* v. *Lieutenant-Governor of Van Dieman's Land*, 6 Moore, 489); but not without giving him due notice of the charges made against him, and affording him an opportunity of answering them (*Willis* v. *Sir G. Gipps*, 5 Moore, 379). In one instance the Privy Council entertained a memorial from the House of Assembly of a colony against the conduct of a judge (*Island of Grenada* v. *Sanderson*, 6 Moore, 38). But there does not appear to be any uniform rule laid down as to the mode of removing or suspending a judge in a Crown colony.

The case of Mr. Joseph Beaumont, the Chief Justice of British Guiana, to which we briefly alluded in a recent number,* will, in future, form an important precedent on this point. Without pretending to give a history of the prolonged controversy between Mr. Beaumont and Governor Hincks, or even to express an opinion upon the merits of the dispute, we may state shortly the facts which led to the suspension of the Chief Justice. It appears that by the law of the colony, in order to commute a capital sentence into one of penal servitude, the pleasure of her Majesty should be signified to the Court or the Chief Justice, by whom an order is accordingly to be made. Mr. Beaumont found considerable laxity in the practice with respect to these commutations, and a long and angry correspondence with the Governor took place. In July last he ascertained that the clerk of the court had, without his knowledge, and by the direction of the Governor, inserted on the records of the Court several orders of commutation which had not in fact been made. The clerk was, on the 28th of July, called upon to defend himself, but the hearing of the case was adjourned till the 9th of August. In the interval the Governor wrote to the Chief Justice, and to his colleague, Mr. Justice Beete, and threatened to suspend them. On the 9th of August the hearing was adjourned, at the request of the counsel for the clerk, till the 11th. But on the same day the Governor sent to the Chief Justice an instrument under his hand and the Colonial Seal, which was as follows:—"I do hereby, upon sufficient cause to me appearing in that behalf, suspend you, Joseph Beaumont, Esquire, Chief Justice of the Colony of British Guiana, from the exercise of your said office within the said colony," and on the same day he appointed the Attorney-General to act as Chief Justice.

It is important to observe that this extreme measure was taken by the Governor without even the pretence of a previous investigation and formal trial. It is true that, after the suspension, he charged the Chief Justice with "culpable indiscretion," "culpable neglect of duty," "unfounded imputations against the executive Government calculated to bring it into disrepute," "improper interference with public records and official documents," "judicial misconduct," and "resistance of the Governor's lawful authority," but these charges were brought forward at a time when it was impossible for the accused to be on a level of equality with the accuser. To condemn first and then to try is a mode of procedure which, in England at least, we are accustomed to consider a breach of the first principles of justice, though we fear that the notions of many of our Colonial Governors are based upon the *sic volo sic jubeo* theory. We will only add that in the opinion of the Colonial Office the allegations taken in themselves, and irrespective of Mr. Beaumont's replies, were insufficient to sustain such a proceeding as the suspension of a judge.

After this statement of facts, our readers will not be surprised to learn that the Colonial Secretary, to whom the dispute was referred, held the suspension of the Chief Justice to be wholly invalid, and desired him, without delay, to return to the colony and resume the duties of his office. If that were all, we think the profession and the public at large would have reason to rejoice at this fresh vindication of the independence of the Bench. But we understand that Mr. Cardwell, in his despatch to Governor Hincks, laid down some general principles as to the status of colonial judges, which will tend to make this a leading case on the subject. He is said to have condemned in strong terms the Governor's disregard of the plain and peremptory injunctions conveyed by his commission and the Royal instructions accompanying it, which required him, before proceeding to the suspension of any officer, to signify, by a statement in writing, the grounds of the intended proceeding, and to call upon the officer for a statement in writing of the grounds on which he might be desirous to exculpate himself: and to have added that, though it is no doubt impossible to place the judges of British Guiana on precisely the same footing of independence to which we attach so much importance in this country, and to surround that independence by precisely the same safeguards, yet the principle on which our practice at home is founded must ever be borne in mind, and that even if proceedings become necessary, in the opinion of the local government, tending to the removal of a judge from the Bench, the steps to be taken on an occasion so unusual and so serious, must be taken under the gravest sense of responsibility, evinced either in a careful and deliberate adherence to prescribed forms and methods, or in the adoption of only such preliminary proceedings in the colony as shall leave the determination of the question to the highest authorities under the Crown, without any intermediate interference with the functions of the judge; for it is only thus that the confidence of the community in the independence of the bench can be kept unimpaired.

Having disposed of the present controversy, the despatch, as we are informed, added, with respect to the future, that if at any time hereafter any judge shall act in such a manner as to give proof of some inherent and permanent unfitness for his office, involving serious consequences to the public welfare, probably the best course to be taken would be similar to that adopted in the case of Chief Justice Sanderson of Grenada (6 Moore P. C. Cas. 38), in which the Legislature addressed the Crown for the judge's removal, and her Majesty was advised to refer the address to the Judicial Committee of the Privy Council.

If the principles laid down in this despatch are carried out, colonial judges will be put upon nearly the same footing of independence as that which was conferred upon our own judges by the Act of Settlement, for they will be removeable only upon the address of the colonial legislature, and by the advice of the Judicial Committee of the Privy Council. This course of proceeding is obviously much better calculated to ensure the independence of the bench than that adopted in *Willis* v. *Gipps* and *Montagu* v. *Lieutenant-Governor of Van Dieman's Land*; for in those cases the judges had to appeal to the Privy Council to restore them to the offices from which they had been removed by the colonial executive, whereas if the matter comes before the Privy Council on an address from the colonial legislature, the accused judge will not be deprived of his office and its emoluments until the final decision is announced; and besides, the necessity of appealing to a higher power for the removal of the judge will, of itself, check that feeling of despotic authority which our Governors, civil and military, are but too apt to indulge, when they find themselves at safe distance from the restraint of English public opinion.

* 10 Sol. Jour. 90.

NEW MAGISTRATES AT DOCKYARDS.—By a provision in a new Act of Parliament, which will immediately take effect, the superintendents of dockyards are constituted justices of the peace in all matters relating to her Majesty's naval service, and the stores, provisions, and accounts relating to the same.

MR. CHASE AS CHIEF JUSTICE.*

(From the *Legal Intelligencer.*)

The new Chief Justice of the United States has had his name pretty well bandied about as a political character; and different ideas will be entertained of his merits as a financier and a statesman, according as the party who assumes to judge them stands on one side of the political globe or on the other. The matter in some sort belongs to party; where judgments or no judgments differ in everything. As journalists of the law we have nothing at all, of course, to say upon such topics. Of Mr. Chase's judicial merits, however, our readers expect us to express our views, now that his opinions are fairly before the bar for examination and estimate.

When Mr. Chase was appointed to his present place, every one, of course, knew that he was a man of parts, strong and quick; that he had fine powers of business; high rectitude of moral principle, and was characterised by temper and manners of great felicity. They knew, too, that as respected the law, he could not but be quite conversant with the great principles of public law, and the immense body of Congressional jurisprudence which make so large a subject for the action of our Supreme Court. He was necessarily familiar, too, with what relates to the actual intercourse of the States with each other, and with most that concerned the routine of executive affairs in the National Government. All this sort of knowledge—though hardly belonging to *the law* in the ordinary acceptation of that term—was knowledge and experience of vast value to any man about to be placed at the head of the judiciary of these United States. A good deal more, however, was requisite in a person who, withal, was to be the chief of a great court of law and equity; of technical scientific law and equity; a system which is the growth of centuries of decision, and precedent, and experimental wisdom; of growth in the country of our ancestors as well as in our own. If any doubt was felt anywhere in regard to the chief justice elect it was here. He had been for some years, it was said, away from the actual bar; and it was yet to be seen how far his mind remained imbued with that technical learning, that familiarity with precedents and cases adjudged, with which testimonies sufficient proved, indeed, that it had been once abundantly furnished, but with which the result might show that it remained no longer stored, or of which his conversation with kindred fields of thought might render a use not the most prompt and easy thing imaginable. We were ourselves not without some questionings of this kind.

The last volume of United States Cases (*2nd Wallace*), however, contains a fair proportion of judgments of the new chief migistrate, and they dissipate all doubts. Every way, we are bound to say, they do the new chief justice credit; credit as a lawyer, a thinker, and a writer alike. Strength is the characteristic of them all. They come down, like our own Grier, in the "sledge hammer" style. They are marked by what painters know as "single-strokes;" a noble style, whether coming from the pencil or the pen. Principles of law are enunciated boldly, authoritatively, comprehensively, and with truth; the right form for a court of supreme jurisdiction to announce its judgments. There is no display of second-hand learning, nor vain display of any learning. The chief justice leaves it to inferior men and to other courts to exhibit what he himself forgot in his sophomore year. Where authorities are cited they are cited as a man cites who has read and understood what he quotes; that is to say with selection, pertinence and effect; and are not poured forth confusedly, irrelatively and ineffectively by the bushel-basket-full at a time. Necessarily the chief justice's judgments are *short*; a great merit in judicial opinions; and a rare one in *new* judges anywhere, especially in new American judges. And finally, they are written in good English; the English of a person who has been educated; who is familiar with the standards of the English language, and who considers that even in the United States these are to be respected and followed. This is a merit which it may seem strange to signalize; but it is a merit not universal in the courts of our country. The *mere effect* of the chief justices judgments is, in *one or two* cases, perhaps, slightly impaired by their retaining in the reported form, the statement of facts with which they were properly delivered, but which the reporter's statement renders unnecessary when the judgment comes out in the book. It is obvious, too, that to retain this statement, and to give to it, when the judgment comes out, the aspect of a recapitulation rather than of a repetition, the reporter has been driven to make a statement somewhat extended. This, however, does not go to the substance of things at all.

Altogether the judgments of our new chief justice, so far as we have them, do him credit, and make us regret, for the sake of judicial science at least, that his services should be anticipated in any other way than the one in which he is now doing the country service and himself honour.

In nothing has the new chief magistrate shown himself to have an orthodox lawyer's mind—the mind of a man trained in true principles of our profession—more than in the manner in which he has held his court to the idea of its own unity, to a constant remembrance of the fact that it is a body, and should not be exhibiting itself continually to the world as a collection of inharmonious "voters." It was early understood that he had set his face against those "dissenting opinions," which of late years have so impaired the authority of a conclave which should be at "unity with itself." And with such excellent illustration of this salutary view has the new chief magistrate enforced his idea, that in an important commercial case, where a minority, with whose ideas he concurred, insisted on the delivery of a dissenting opinion, Chief Justice Chase, it is said, not only would not express his concurrence with that opinion, but, on the contrary, appears, so far as silence shows it, as having united in opinion with "the Court." He rightly considered that a majority of the Court was the Court itself; and that having enforced his views in conference, no obligation remained on him to show that the decision of his bench was worthy of nothing but disrespect.* In this act of self-denial he gave an illustration not more of moral discipline and of good manners, then of the extent to which his mind was imbued with a sense of the nature of precedent as scientific law holds it, and of the obligations of every tribunal of dignity like his to present its adjudications in the very most authoritative form in which learning, intellect, and harmony can possibly present them for the governance of society.

We are, in short, most agreeable impressed with the judicial exhibitions of the new chief justice, and whatever Mr. Chase *has* been as governor, senator, and secretary, or whatever he *may* prove in any new honours yet before him—if any such there are—it is plain that his capacity, accomplishments, and ideas, eminently fit him for the situation where he now is, and which, as lawyers at least, all members of the bar will wish, with us, who are set as watchmen of its honour, that he may long grace.

The *Avenir National* says it is rumoured that the famous Leotard, who is, it seems, a bachelor of arts, is about to resume his law studies with the view of entering at the bar.

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* We are induced to publish this account of Chief Justice Chase, taken from a source of the most trustworthy nature, partly from the merit of the article itself, but partly on account of a most unfounded attack on the professional reputation of the Chief Justice, which lately appeared in the columns of a daily contemporary noted for its anti-American tendencies.—ED. *S. J.*

* We confess that we do not take this view of the question. If the judgment of a Court of law were like an Act of Parliament, binding *under all circumstances* in all future cases, what is here said would be applicable; but a precedent is chiefly valuable for the authority of the judges by whom it is pronounced, and is a sort of appeal *ad verecundiam* to future judges, and, therefore, the judges who do not agree with it at the time ought, we think, to say so. The majority of the Court were against the plaintiff in *Ashby* v. *White*, yet who now doubts that Lord Holt was right, the three puisne judges wrong?—ED. *S. J.*

REPORT OF THE CAPITAL PUNISHMENT COMMISSION.

The following is the report of the Capital Punishment Commission as finally, and it is believed unanimously, agreed to. Several of the commissioners have, however, signed a supplementary paragraph stating their belief that capital punishments might now be safely abolished:

TO THE QUEEN'S MOST EXCELLENT MAJESTY.

We, your Majesty's commissioners appointed "to inquire into the provisions and operation of the laws now in force in the United Kingdom, under and by virtue of which the punishment of death may be inflicted upon persons convicted of certain crimes, and also into the manner in which capital sentences are carried into execution, and to certify to your Majesty under our hands and seals, or under the hands and seals of any five or more of us, our several proceedings in the premises, and at the same time to report to your Majesty our opinion whether any and what alteration is desirable in such laws or any of them, or in the manner in which such sentences are carried into execution," humbly report as follows:

1. We have been occupied a considerable time in taking evidence upon the questions referred to us.

Many witnesses have been examined, and a careful summary of their evidence precedes this report.

In addition to this oral testimony, certain questions have been addressed to, and answers received from, nearly all the nations of Europe, and some of the States of the United States of America, with regard to the laws relating to the punishment of death existing in those countries respectively.

The opinions of all her Majesty's judges in England, Ireland, and Scotland, as well as of other eminent criminal lawyers, have been requested upon the expediency of making any alteration in the laws under which the punishment of death may now be inflicted upon persons convicted of certain crimes.

In answer to this request some of the judges have sent in statements of their views, while others have attended before the commission and verbally stated their opinions. The whole of the evidence, both oral and documentary, will be found in the appendix.

2. The commissioners forbear to enter into the abstract question of the expediency of abolishing or maintaining capital punishment, on which subject differences of opinion exist among them, but they are all of opinion that certain alterations ought to be made in the existing law.

3. The only crimes now practically punishable with death in the United kingdom are treason and murder; we say *practically*, because in Scotland there remain many other offences which are still, in point of law, liable to be so punished, though, in fact, such a case never occurs. We strongly recommend that this anomaly be no longer allowed to exist, and that all such obsolete laws be repealed.

A list of these offences will be found in the appendix, "p. ."

4. We have then, first, to consider whether, assuming capital punishment to be retained, we should recommend any change in its present application to the crime of treason, and upon this point we have come to the conclusion that no alteration is required. The statute of 11 & 12 Vict. c. 12, commonly called the "Treason Felony Act," without in any way abrogating the ancient law upon that subject, has introduced a new and more merciful law, which, in all but cases of extreme gravity, will probably supersede the former. The maximum punishment under this Act is penal servitude for life, which seems sufficiently severe in cases of constructive treason, unaccompanied by overt acts of rebellion, assassination, or other violence. With respect to treason of the latter character, we are of opinion that the extreme penalty must remain.

5. We now arrive at the consideration of the crime of murder and its punishment, and in treating this difficult question we think it convenient briefly to refer, in the first instance, to the existing state of the law.

6. By the law, murder is the unlawfully killing another with malice aforethought, and this definition appears to us to be correct in principle.

Unfortunately these words have not been confined to express malice aforethought, or, as it is sometimes called, malice in fact, but have received a less natural construction, which has long been adopted as the settled law of the land. It has been held that malice in its legal sense imports nothing more than a wicked intention to do injury to the person of another without any just cause or excuse, and that where a man is killed in consequence of any such wicked intention the law will infer malice aforethought, though no express enmity or preconceived design can be shown; not, indeed, a particular, but a general malice aforethought, arising from the extreme depravity of disposition shown by the act. This doctrine of implied malice aforethought goes even beyond this, and is carried to such an extent that the law always infers it when a person in the act of committing a felony, even of a trifling nature, kills another, though there may be in fact no premeditation, and no intention to kill or do serious injury.

When homicide is committed in the perpetration of crimes of great enormity, such as those enumerated in clause 12, this inference may be not improperly drawn.

7. The extreme severity of this construction has been somewhat mitigated by the law of manslaughter, which is defined to be the unlawful killing of another without malice express or implied. In order to reduce the crime from murder to manslaughter, the law allows evidence of provocation to be given to rebut the inference of malice which would otherwise be drawn from the act of killing. Here, however, again certain arbitrary rules have been introduced into the law, which most materially restrict its beneficial operation. It has been established by the decisions of our courts that no provocation by words, or looks, or gestures, however contemptuous and insulting, nor by any trespass merely against lands or goods, is sufficient to free the party killing from the guilt of murder, if he kills with a deadly weapon, or in any manner showing an intention to kill, or do grievous bodily harm. In these cases, though the suddenness of the provocation may rebut in point of fact the *express malice aforethought*, it is not allowed, on account of its supposed insignificance, to overcome the *general malice aforethought*, which is implied by the *law* from the wickedness and cruelty of the deed. Without entering into the many nice and subtle distinctions which prevail upon this subject, it is enough to say that the practical result of this state of things is most unsatisfactory. A man who, in a sudden fit of passion, aroused by insult to himself or his wife, kills the person who offers the insult, is, by law, guilty of the same crime and liable to the same punishment as the assassin who has long meditated and brooded over his crime. A great majority of the witnesses whom we have examined have expressed a strong opinion that this branch of our criminal law requires revision and amendment, at least so far as the punishment is concerned, and we have unanimously arrived at the same conclusion.

8. We proceed, therefore, to offer such recommendations as we think expedient for altering the present law of murder. It appears to us that there are two modes in which the change may be effected.

9. The first plan is to abrogate altogether the existing law of murder, and to substitute a new definition of that crime; confining it to felonious homicides of great enormity, and leaving all those which are of a less henious description in the category of manslaughter.

10. The other plan is one which has been extensively acted upon in the United States of America, where the common law of England is in force; this leaves the definition of murder and the distinction between that crime and manslaughter untouched, but divides the crime of murder into two classes or degrees, solely with the view of confining the punishment of death to the first or higher degree.

11. We have given both these plans our serious consideration, and we are of opinion that the required change may be best effected by the latter, which involves no disturbance of the present distinction between murder and manslaughter, which does not make it necessary to re-model the statutes relating to attempt to murder, and does not interfere with the operation of those treaties with foreign powers which provide for the extradition of fugitives accused of that crime. The object proposed can be attained by a short and simple enactment, providing that no murder shall be punished with death except such as are particularly therein mentioned.

These should be called murders of the first degree; all other murders should be called murders of the second degree, and punished as hereinafter recommended.

12. We recommend therefore:

(1.) That the punishment of death be retained for all murders deliberately committed with express malice thought, such malice to be found as a fact by the jury.

(2.) That the punishment of death be also retained for all murders committed in, or with a view to, the perpetration, or escape after the perpetration, or attempt at perpetration of any of the following felonies:—Murder, arson, rape, burgulary, robbery, or piracy.

(3.) That in all other cases of murder the punishments be penal servitude for life, or for any period not less than seven years' at the discretion of the court.

13. Our attention has been called to the frequent failures of justice in cases of infanticide.

The crime of infanticide, as distinguished from murder in general, is not known to the English law. The moment a child is born alive it is as much under the protection of the law as an adult.

14. We have considered whether the failure of justice, which undoubtedly often occurs in such cases, may not be obviated by some change in the law which shall add to the protection of new-born children. The principal obstacle which now prevents the due enforcement of the law is the extreme difficulty of giving positive proof that the child alleged to have been murdered was completely born alive.

15. We have given this important and difficult subject our serious attention, and we have arrived at the opinion that an Act should be passed making it an offence, punishable with penal servitude or imprisonment at the discretion of the Court, unlawfully and maliciously to inflict grievous bodily harm or serious injury upon a child during its birth, or within seven days afterwards, in case such child has subsequently died. No proof that the child was completely born alive should be required. With respect to the offence of concealment of birth, we think that no person should be liable to be convicted of such offence upon an indictment for murder, but should be tried upon a separate indictment. The accused should not be entitled to be acquitted in either of the above cases if it should be proved on the trial that the offence amounted to murder or manslaughter.

16. There is one point upon which the witnesses whom we have examined are almost unanimous, viz., that the power of directing sentence of death to be recorded should be restored to the judges. We think this change desirable.

17. Upon another important point there is also a great preponderance of opinion against the present state of the law. The witnesses whom we have examined are, with very few exceptions, in favour of the abolition of the present system of public executions, and it seems impossible to resist such a weight of authority. We therefore recommend that an Act be passed putting an end to public executions, and directing that sentence of death shall be carried out within the precincts of the prison, under such regulations as may be considered necessary to prevent abuse, and satisfy the public that the law has been complied with.

18. These are other questions of great importance upon which we have taken evidence, viz.:—

(1.) The propriety of allowing an appeal on matters of fact to a court of law in criminal cases.

(2.) The mode in which the Crown is advised to exercise the prerogative of mercy by the Home Secretary.

(3.) The present state of the law as to the nature and degree of insanity which is held to relieve the accused from penal responsibility in criminal cases.

It is obvious that these difficult questions are not confined to capital crimes only, but pervade the whole administration of the criminal law. They therefore require a more general and comprehensive treatment than the terms of the commission under which we act will admit. We think, therefore, that while we should not be justified in making any recommendation to your Majesty on any of these points, we should fail in our duty did we not humbly solicit your Majesty's attention to them as requiring further investigation.

All which we humbly submit to you Majesty's royal consideration.

Fees in the Common Law Courts.—An Act of Parliament will take effect from and after to-morrow, to collect fees in the superior courts by adhesive stamps. Last year the fees received in the three common law courts amounted to £96,778 1s. 9d.

Law Costs against the Crown.—Under the Act of Parliament, which will take effect on Monday next, it is provided that in any action or suit the Commissioners of the Admiralty shall be liable to pay or entitled to receive costs according to the ordinary law and practice relative to costs.

EQUITY.

Copyright of Foreign Author.

Low v. *Routledge*, L. J., 14 W. R. 90.

The law of copyright, like the law of patents, gives rise to many complications, and the International Copyright Acts more especially have given to our law courts a large amount of labour. The doubtful position in which an alien or foreigner is placed in this country, with reference to this particular description of property, is well illustrated by the dispute in the principal case. An injunction had been granted by Vice-Chancellor Kindersley to restrain the defendants, Messrs. Routledge, from printing or publishing a work called "Haunted Hearts," the author of which, Miss Maria S. Cummins, is a native of the United States, resident at Montreal, who had first published her book in this country, and had sold the copyright to the plaintiffs.

Messrs. Routledge now brought on the case before the Lords Justices, on a motion to dissolve the injunction; and this was, by consent, turned into a motion for a decree, and the cause heard as an original cause. The defendants grounded their case mainly on the fact that, by the Canadian Copyright Acts, a foreigner would not have any copyright in a work published under the circumstances of this book, and it was admitted, on the part of the plaintiffs, that if the work had been first published in Canada, the plaintiffs would have had no right to any injunction or other similar remedy there, and it was contended for the defendants that the right of the plaintiffs, dependent as it admittedly was on the fact of the author's residence in Canada, could not be greater than that author's own right would be in Canada.

Their Lordships refused to dissolve the injunction.

Lord Justice Turner said: "The question is not what were or are the rights of the plaintiffs within the colony of Canada, but what were or are their rights in this country, and the law of this country leaves no doubt upon this question. By the 25th section of the Act of 5 & 6 Vict. c. 45, it is enacted that all copyright shall be deemed to be personal property, and in *Calvin's case* it was decided that an alien friend may, by the common law, have, acquire, or get within this realm, by gift, trade, or other lawful means, any treasure or goods personal whatsoever, as an Englishman, and may maintain an action for the same. That case, I think, is, in all respects, applicable to the case before us, and I agree, therefore, with the opinion of the Vice-Chancellor."

The principle involved in this decision is one capable of very extensive application, and, although, when distinctly enunciated, it commends itself at once to every logical mind, it is one which, in the semi-confusion which appears to be the prevailing tone of the law on the subject of aliens' rights, was not unlikely to be misapprehended.

Their lordships lay it down in the clearest terms that the rights in England of an alien, being resident in any British colony, cannot be restricted by any colonial legislation, so that those rights will necessarily be at least as extensive as if the alien were actually resident in England, and that, although the law of the particular colony have expressly negatived any such rights there. The inverse of this proposition does not, however, follow; it is not to be taken for granted that if, by the law of a colony, an alien resident there were entitled to peculiar privileges not accorded to aliens resident here, such alien would, in England, be deprived of the peculiar advantages secured to him by the local law. This result is, indeed, probable *a priori*, but it is not a corollary of the present decision. The rights of alien friends in England are, however, so large that there is but little reason to apprehend any question of this nature.

The principal case did not depend on the International Copyright Act, which refers to works first published abroad, with respect to which there would be, but for the Act, no right to protection, even for a native author; and it does not, therefore, in any manner conflict with the

decision of Vice-Chancellor Wood in *Boucicault* v. *Delafield*, where it was held that a work first published in America, with which country there is no reciprocal copyright, was not protected, although the author was resident here, and a denizened British subject.

COMMON LAW.

Railway Companies and Carriers of "Packed Parcels"—Right to an Injunction.

Sutton v. *South-Eastern Railway Company*, Ex. Ch., 13 W. R. 1091. *Same* v. *Same*, Exch., 14 W. R. 14.

The protracted battle between Mr. Sutton and some of the principal railway companies in England still continues. He has brought already several actions against the South-Eastern and Great Western Railway Companies. In one of these he has been successful in obtaining a verdict which has recently been upheld in the Court of Exchequer Chamber. In spite, however, of the judgment of that Court the companies seem determined to resist to the utmost the exertions of Mr. Sutton, and the contest is likely to degenerate into a case of measuring purses between the litigant parties. Like some famous generals, Mr. Sutton may perhaps find that the price of victory is too dear, and may be compelled, although he has law on his side—and equity too it may be added—to retire from a too wearisome and expensive contest.

The circumstances which have given rise to a litigation pertinacious enough to remind a bystander of the celebrated suit of *Jarndyce* v. *Jarndyce*, are shortly as follows:—Mr. Sutton carries on the trade of a carrier of "packed parcels." His principal business is to collect parcels from wholesale houses, and after packing those directed to the same place together in a single package or hamper, to despatch them to his country agents at that place. His agent, on receiving the package, distributes the small parcels it contains to the owners respectively. The advantage and profit to the trade of a "packed parcel" carrier consists in this, that the large package into which the small parcels are packed should be charged by the railway companies, who may carry it, at "tonnage" rates. If each person, however, were to send his own parcel separately, he would be charged at the "small parcel" rate, which is considerably higher. The "packed parcel" carrier undertakes the carriage at a lower rate than the company, and also takes the trouble of distribution on himself. His gains arise from the excess over the amount he charges his customers, and the amount (at "tonnage" rate) charged by the railway company for the carriage of the large packages sent by him.

The South-Eastern Railway Company, among others, have long been determined to "put down," if possible, this trade of packed parcel carrier. They allege that they are thereby prevented from obtaining the profit for carrying small parcels to which they would otherwise be entitled. They have, therefore, made a regulation imposing an additional charge on "packed parcels." Mr. Sutton has, for some time, been obliged to pay it, and his only way of indemnifying himself, in part, at any rate, is to bring action after action against the company, to recover the overcharge which, he contends, they are prevented by statute from making. One of these actions was tried in the course of last year. It was proved on the trial that although the defendants insisted on making Mr. Sutton pay the extra price, they had, in many instances, carried packed parcels for wholesale houses at the ordinary tonnage rate. It therefore seemed as though they objected to carrying heavy packages made up of miscellaneous small parcels only in the case of a person whose business it was to make up such packages. Possibly they considered it not worth their while to fight the question with the wholesale houses, who are their best customers. We should add that they denied that they *knowingly* carried any specific parcel at a less rate for these houses than for Mr. Sutton. However that may be, it was established beyond all question at the trial that the defendants did, in contravention of an express provision in one of their special Acts, charge the plaintiff a different rate from other persons in respect of the carriage "of goods of a like description, passing over the same portion of their railways under the like circumstances." That being so, the learned judge who tried the cause directed the jury, if they believed that the defendants had knowingly charged the plaintiff at a higher rate than other persons they ought to find a verdict for him, and they accordingly did so. A bill of exceptions was tendered to the judges ruling and to the reception of certain evidence as to the practice of wholesale houses, on the argument of which in the Exchequer Chamber, the verdict, as we have already mentioned, was upheld. Erle, C.J., alone dissented from the judgment of the Court, thus, again, as in the memorable case of *Rickett* v. *The Metropolitan Railway Company*,* 13 W. R. 455, standing forward as the able champion of the rights of railway companies (or their *claims*, at any rate), against individual members of the community.

We do not propose to consider at present whether the majority of the Court, or the very learned dissentient judge, is in the right. The case is at present *sub judice* in the House of Lords, and our remarks, therefore, may well be deferred. We are now concerned with the subsequent litigation between Mr. Sutton and the railway company. Notwithstanding his victory, they continued to make him the alleged overcharge. He accordingly commenced a fresh action against them for the recovery of the amounts perforce paid by him during a new and more recent interval of time. We say "perforce," for the defendants have, in point of fact, a monopoly of carrier's business between London and the stations on their line. In the writ Mr. Sutton claimed an injunction, under the Common Law Procedure Act, 1854, ss. 79, 82, against the continuance or repetition of the injury of which he complained; and the case was argued at length in the course of last term in the Court of Exchequer. On the part of the company it was urged that the case was not one in which equity would grant an injunction, and therefore, not one in which a court of common law would exercise its equitable powers. There was no injury to property, no breach of any contract, no infringement of any continuing legal right. And there was an adequate legal remedy. Mr. Sutton's counsel replied by denying that any legal remedy could be obtained. "Even supposing," they said, "that by properly framing a special count in the declaration, both principal *and interest, during the wrongful detention of his money*, could be obtained, there would still be many costs in the actions which would fall on Mr. Sutton." Moreover, although it might be true that interest at five per cent. might be receivable, there could be no doubt that if he were not wrongfully deprived of the possession of his money, he could turn it to better account. And when the company continued their overcharges, after fairly fighting out the question before the jury and in a court of error, how could it be said that there was no infringment of a legal right?

The Court, however, held that they could not interfere, and we are disposed to think they could not have arrived at any other conclusion. There was certainly no breach of contract, and no injury to property. Mr. Brown, in his argument for the plaintiff, relied a good deal on the words "other injury" in section 79 of the Act of 1854. But the words must, of course, apply to "legal injury," and not to "*damnum sine injuria*." The case, too, if put on the third ground of "infringement of a legal right," still failed to be one in which equity would grant an injunction; for in Mr. Sutton's right there was no element of continuance. It could not be asserted that he would ever send a packed parcel by the defendant's railway again. In whatever way, then, the case might be considered, there was nothing —to use the Chief Baron's phrase—on which "to build the application." Upon principle, therefore, the Court

* For a full comment on that singular decision see 9 Sol. Jour. 409.

could scarcely have acceded to it, but their refusal was, in reality, based rather on the score of convenience. Parliament has provided that where disputes arise on questions of traffic, the Court of Common Pleas should be the tribunal to which an appeal must be made (17 & 18 Vict. c. 31, s. 3). We cannot, indeed, be surprised that Mr. Sutton preferred to come to another Court, for the Chief Justice of the Common Pleas had already intimated his opinion that the action could not be sustained, and the granting of an injunction, it must be remembered, is matter of *discretion*. Mr. Sutton, however, might have applied to a vice-chancellor from whose decision there is an appeal, whereas, none is provided by the Common Law Procedure Act, 1854, from the decision of one of the common law courts. Two other remedies, therefore, were open to to him. He chose, however, to adopt the "third course," and we are not surprised that the judges refused to affirm a doubtful proposition of law by granting him an injunction, there being no appeal from their decision. At the same time he has our sympathy on the merits of his case. We shall await with much interest the decision of the House of Lords, and shall not be sorry to find that they affirm the judgment of the Exchequer Chamber. The power of railway companies is immense, and it needs to be strictly controlled. If the views of Lord Chief Justice Erle turn out to be correct, fresh and more stringent legislation on the subject will be required.

REVIEWS.

Smith's Mercantile Law. Seventh Edition. By G. M. Dowdeswell. London: Stevens & Sons; Sweet; Maxwell. 1865.

The sixth edition of this valuable work was issued by Mr. Dowdeswell in 1859, and the vast accumulation of reported cases, and the numerous statutory alterations in the law since that time have, he informs us, made his task, in preparing the present edition, unusually arduous. On reference to the appendix, we find this assertion, so far as new statutes are concerned, fully borne out. There are upwards of a hundred and ten closely printed large octavo pages of Acts of Parliament, all intimately connected with commercial subjects, and all passed within the last five years—the three principal measures being the Merchant Shipping Amendment Act, 1862, the Joint-Stock Companies Act, 1862, and, above all, the Bankruptcy and Insolvency Act, 1861. What the number of decided cases on commercial law, during the same period may have been, defies calculation; but when we remember that we may say of one section (s. 192) of the Bankruptcy Act alone what a famous lawyer once said of the Statute of Frauds—"every word is not only worth a subsidy but has cost a subsidy"—we can well believe that Mr. Dowdeswell is chargeable with no exaggeration in speaking in his preface of the "vast accumulation" of new matter with which he had to deal. Between six and seven thousand cases are actually cited in the course of the volume.

The arrangement of the contents of the book is due to the late John William Smith, and, as might be expected, it is singularly convenient and singularly simple. Mr. Smith was indeed the prince of legal text writers. His extraordinary learning and grasp of the fundamental principles of our law made his explanations exceptionally clear. The manner in which his "leading cases" were conceived and executed every lawyer knows; but neither the merits of his "Elementary Treatise on Contracts," nor his "Mercantile Law," have been so widely appreciated. Yet there is not a better book for students in existence than the former, nor a better book of sound practical knowledge for barristers and solicitors than the latter. They have both achieved a fair measure of success, and from time to time have been skilfully re-edited. The great reputation of the "leading cases," however—which were original in conception, as well as masterly in execution—has hitherto cast the rest of Mr. Smith's labours somewhat into the shade, although all his works are really distinguished by a rare and almost unique excellence.

The "compendium" of mercantile law opens with a brief historical sketch of the origin and progress of our mercantile code. Founded chiefly upon the civil law of ancient Rome and the maritime law which grew up in Europe upon the revival of commerce after the dark ages, it has continually been supplemented by positive legislation and by the decisions of our courts of law and equity. The extraordinary development of our commercial system during the last hundred years rendered frequent changes necessary. Fortunately for England, at the commencement of the era, the "great Lord Mansfield" was the presiding genius of our courts of justice. The unscientific minds of ordinary common lawyers would have proved wholly unequal to cope with the problems in legislation presented by our marvellous national progress. But Lord Mansfield rose to the occasion. Gifted with an eminently judicial mind, and having received an education so liberal as to be altogether emancipated from the narrow doctrines of the old common law, he regarded "law as a science to be expanded by the development of principles, not merely amplified by the accumulation of precedents." His character and qualities admirably fitted him for the task of consolidation to which he was called. "Before his time," says Mr. Justice Buller, "we find that in courts of law all the evidence in mercantile cases was thrown together; they were left *generally* to a jury, and they produced no established principle. From that time we all know the great study has been to find out some certain general principles which shall be known to all mankind, and not only to rule the particular case then under consideration, but to serve as a guide for the future. Most of us have heard these principles stated, reasoned upon, enlarged, and explained, till we have been lost in admiration at the strength and stretch of the human understanding. And I should be very sorry to find myself under a necessity of differing from any case which had been decided by Lord Mansfield, who may be truly said to be the founder of the commercial law of this country." He was, in truth, a worthy successor of Lord Holt, who, we are told by Mr. Smith, alone accomplished more for English mercantile law than the whole body of English judges prior to his elevation. Our readers will remember the famous judgment on the law of bailments in *Coggs* v. *Bernard*, 1 Ld. Raym. 909, which is a favourable specimen of his powers. In more modern times the name of Lord Stowell may be mentioned as a representative commercial lawyer, and even among living judges we are not without men who have the ability and courage to apply the principles which have been handed down to them by the jurists of the past, to the new conditions of the present. We are inclined to agree with Mr. Smith that mercantile law is scarcely a fitting subject for codification. It is not like criminal law, for example, the rules of which should be inflexible. It must be plastic or it will cease to be useful. To crystallise it into a code would, indeed, be almost impossible. Commerce is not yet ready for an *edictum perpetuum*. Every year sees new customs adopted by merchants, which, in due time, when proved by experience, receive a judicial sanction. Why should the Courts cease to have the power of investing future mercantile usages with the authority of positive law?

Mr. Smith's—or as we may now more properly call it—Mr. Dowdeswell's treatise is divided into four books. The first is on mercantile persons, viz., sole traders, partners, joint-stock companies, corporations, and principal and agent; the second is on mercantile property, and in the first chapter will be found a concise summary of some of the peculiar incidents which property acquires by passing into the hands of a merchant. The fact that it becomes transferable by the operation of the bankrupt laws, however, should not longer be mentioned as a "peculiar" incident, inasmuch as the Act of 1861 abolished the distinction between trader and non-trader. The remaining chapters in this book are on shipping, goodwill, and on property in negotiable instruments.

The third book is the most elaborate of all. It treats of mercantile contracts, and includes chapters on bills of exchange, contracts with seamen and with carriers, contracts of affreightment, of apprenticeship, of sale, and of insurance, marine, life, and fire. Besides these subjects, bottomry and respondentia, hiring and service, guarantees, and the law of debtor and creditor, are dealt with. The whole of this portion of the work forms a good introduction to more detailed treatises in each subject. Thus the student would do well to read the section on bills before attacking the well-known book by Mr. Justice Byles. Very little preliminary information is required by the reader. A general acquaintance with the law of contracts in general, such as may be derived, for

instance, from Smith on Contracts, will enable him to follow Mr. Dowdeswell without difficulty.

The last division of the work is occupied with "Mercantile Remedies," viz., stoppage *in transitu*, lien, and bankruptcy; and the appendix contains all the principal statutes relating to commercial law, from the Statute of Frauds (29 Car. 2, c. 3) down to the Act for the Amendment of the Law of Partnership (28 & 29 Vict. c. 86) passed in the course of the last session.

We recommend the whole work to the attention of our readers. It is at once elementary enough for students and elaborate enough for practitioners.

A Handy-book of Sanitary Law. By MARTIN WARE, Jun., Barrister-at-Law. London: Bell & Daldy. 1865.

This is a neat little epitome of the principal sanitary regulations now in force, whether under the sanction of the Common Law, or by virtue of the various Public Health and Nuisances Removal Acts, or of the Metropolis Local Management Acts. Anyone can now learn without difficulty, and at the trifling cost of sixpence, where he ought to go for redress in case of any nuisance affecting him, and how to discover whether or not he will himself be liable for a nuisance in the event of his carrying out any contemplated arrangements in his own premises. Of course so slight a work as this can do no more, and does not pretend to do more, than indicate the quarter in which more detailed information is to be had, and the method of setting about obtaining it, but for the purposes of a handy guide book, it will be found very convenient and efficient.

A Handy-book of Chancery Law and Practice for Suitors under the new Equity Jurisdiction in the County Courts; and practical observations thereon, with the Act complete, and the authorised rules, orders, and forms required for use. By G. MANLEY WETHERFIELD, Solicitor. London: Stannard & Smith. 1865.

The value of this little book consists in its being a handy edition of the County Courts Equitable Jurisdiction Act (28 & 29 Vict. c. 99), and the rules and orders issued thereunder. Nothing is yet known of the working of the Act, and the author, therefore, wisely refrains from committing himself by any "guesses of truth" on the question. The Acts and Orders are simply printed in a convenient form, without notes, but with what as yet, at least, is likely to be more useful—a very copious and well arranged index. There is an introduction which is, however, merely the act *rechauffée* except that the editor indulges in some not unnatural vaticination of a considerable increase in equitable litigation. We observe, however, that he has not fallen into the error of which other commentators on this Act are said to have been guilty, of supposing that this Act in any way interferes with the original jurisdiction of the High Court of Chancery. The true view is that put forward by Mr. Wetherfield,* in the following words:—"It is important also to remember that the Act gives NO COMPULSORY *jurisdiction whatever to the County Courts*,† and that consequently their use as Courts of Chancery will be practically left to the country solicitors; in the true interests, therefore, of suitors, it is much to be hoped that the judges, in fixing the professional costs, will allow fairly for the work required to be done, and the responsibilities incurred, as otherwise the inevitable result will follow that the business will still be taken to the Court of Chancery," &c.

On the whole the work seems likely to be as useful to the profession as the nature of the case will permit.

COURTS.

SECOND COURT.

(Sittings at Nisi Prius, at Guildhall, before Mr. Justice LUSH and a Special Jury.)

Dec. 21.—*Denham* v. *The Great Northern Railway.*—Mr. *O'Malley*, Q.C., Mr. Serjeant *Hayes*, and Mr. *R. E. Turner* were counsel for the plaintiff; and Mr. *Hawkins*, Q.C., Mr. *Keane*, Q.C., and Mr. *Markby* for the defendants.

This was an action to recover compensation in damages for an injury which the plaintiff had sustained by reason of an accident near Doncaster, arising through the negligence of the defendant's servants.

The negligence was admitted, and the only question in dispute was the amount of the damages.

It would seem that there is something like the difference in opinion among medical men as there is among engineers, for never was there a more complete contradiction among medical men of eminence than in this case, those called by the plaintiff attributing the symptoms under which the plaintiff was labouring to the result of the accident, and those called by the defendants attributing them to any other cause than to the accident. Some thought the injury was permanent, the others thought when all anxiety ceased the recovery would be speedy. Some went so far as to say that the pains were imaginary. It was a mental delusion.

The jury ultimately returned a verdict for the plaintiff—Damages £4,720.

GENERAL CORRESPONDENCE.

THE COURT MARTIAL ON GORDON.

Sir,—I beg to bring to your notice the following paragraph from the *British Army and Navy Review*, trusting to your avowed impartiality to secure its insertion. A. B.

"GORDON'S COURT MARTIAL.—As a specimen of the ignorance that characterises these pseudo-philanthropical gentlemen, it would be a monstrous pity to omit all mention of one little point immediately connected with the army and navy, and upon which Exeter Hall has rung its changes with a vengeance. Mr. Eyre has been accused of handing Gordon and other rebels over to the tender mercies of a court martial composed of "three youths," "three striplings," "three beardless boys." It has never occurred to them to reflect for one moment that a lieutenant and commander in the Royal army is an officer of both service and reputation, and that a man may be an ensign with grey hairs in his head. It so happens that the two naval officers were commanders, and of the ensign I am enabled to speak personally, and to add that he has worn her Majesty's uniform for very many years, and is a man whose judgment is in every way to be relied upon. I merely mention this fact to exemplify into what blunders ignorance will lead people, and to clear away an impression, entertained even by many of Mr. Eyre's supporters, that the court martial which tried Gordon was composed of mere inexperienced youngsters."

[The extract in question is, in our view, immaterial. If *any* court martial were competent to try Gordon, we have made no objection to the composition of the court which actually sat. The case would be equally open to every remark we have made if every member of the court had been a general officer.—ED. *S. J.*]

THE JAMAICA COMMISSION AND THE RECORDER.

Sir,—May I invoke your aid to dispel a fallacy which appears in the *Daily News* of this morning on the above subject. Commenting on the remark of Mr. Alderman Copeland, that the Court of Aldermen ought to have been applied to officially by the Government, the journal in question remarks—"These aldermen seem to be incorrigible. They are disposed to question the right of the Queen to the services of one of her own counsel. They will probably go on talking in this way until their petty obstructiveness and want of public spirit make their rights and privileges a nuisance which their neighbours will no longer bear."

One would suppose that the Corporation, who pay the recorder a retaining fee of £3,000 a-year, are better entitled to his services than the Crown, which has conferred on him a barren honour. The old doctrine, that the Crown had the first right to the services of all King's Counsel, was found so oppressive that it has long been abandoned. How the Corporation show "want of public spirit" in acceding to the Government's request, and merely expressing the not unnatural feeling that "they might as well have been asked properly," I confess I cannot see. CITIZEN.

Dec. 28.

APPOINTMENTS.

CARLOS COOPER, Esq., of Lincoln's-inn, and the Norfolk Circuit, to be Recorder of Thetford, *vice* T. J. Birch, Esq., resigned.

WILLIAM DOWNES GRIFFITH, Esq., of the Inner Temple, to be Attorney-General at the Cape of Good Hope.

* Page 11.

† The Italics, &c., are the author's, not ours.—ED. *S. J.*

FOREIGN TRIBUNALS & JURISPRUDENCE.

AMERICA.

The Jamaica Question.

(From the *New York Nation*.) *

The manner in which the insurrection in Jamaica has been suppressed will, if not promptly disowned by the English Government, reflect indelible disgrece on the English name. If anybody wants to know how thoroughly pagan an "officer and gentleman" can still be in our day, he has only to read the report of Colonel Hobbs, of the Sixth Royals, telling of his having hunted down rebels with a boy tied by the neck to his stirrup, and constantly threatened with a revolver, acting as guide, and pointing out the persons to be hanged. The colonel and his coadjutors seem, in fact, to have hanged nearly everybody they caught, and upon the vaguest suspicion. One man was hanged because, after receiving forty-seven lashes, "he ground his teeth and cast a ferocious look of defiance on the provost-marshal," which the London *Spectator* truly characterises as "a worse crime in the sight of God than that of the rebels themselves." Certainly, the ferocity of a civilised and educated Englishman or American must, on any theory of accountability, be a sin of infinitely deeper dye than any which a poor benighted and degraded black is capable of committing. There could not, in our opinion, be a more striking proof of the really small impression as yet made upon the world by Christian principles than the remorseless cruelty into which men of English breed invariably plunge whenever they are brought into collision with what is called an "inferior race." The history of the suppression of the Indian mutiny, and of this Jamaica insurrection, will always remain a most shocking revelation of the amount of downright heathenism which still pervades the character of the race which of all others is loudest in its professions of Christianity, and foremost in its efforts of instruction in Christian duty to the rest of mankind. The London *Times*, with characteristic brutality and absurdity, defends the atrocities of the troops on the ground that the pursuit of the rebels was difficult; as if an officer only needs to have a small force, and to have lost a good deal of sleep, to be exempt from the ordinary laws of humanity; or, in other words, as if the weaker one is, the more like a tiger he may behave. And what twaddle there is written, both here and in England, about the incurable ferocity of the negroes, apropos of this outbreak, as if St. Bartholomew, or the Sepoy massacres, or the massacres of the French Revolution, had never been heard of, or were not the work of Caucasians. It is bad enough that the negro should convert civilized men into Malays, but it is too bad that he should bemuddle their brains every time they begin to argue about him.

FRANCE.

The Extradition Treaty with France.

It is announced that the French Government has given notice of its intention to dissolve the treaty of Extradition concluded between Great Britain and France on the 13th of February, 1843. The *Gazette des Tribunaux*, in its observations on this notice, remarks that the dissolution of this treaty will in no way impede the action of the French laws with respect to those Frenchmen who have crossed the channel after the commission of a crime in France, inasmuch as, since the 13th of February, 1843, not one individual accused of crime, who has taken refuge in England, has been surrendered to the French Government.

The *Gazette* adds that "the treaty was always executed by the French Government, but never by the English. It would not, consequently, be consistent with the dignity of the Emperor's Government to permit a treaty to exist which the other contracting party did not observe, and everybody can understand why the Government desire to put an end to such a state of things." The *Gazette* says, in conclusion, "that the extradition of Frenchmen accused of crime, and who had fled to England, did not take place in consequence of the innumerable difficulties, impossible of solution, which English magistrates raised. The production of a warrant, or even a decree of the Imperial Court sending the accused for trial, did not appear sufficient to prove that a regular prosecution existed against the individuals whose extradition was demanded. The transmission through the embassy of the acts and decisions delivered by the French committing magistrates, or emanating from the French tribunals, although invested with all legal signatures possible or desirable, would not satisfy the English authorites, and they required the accomplishment of so many antiquated formalities that the French authorities found it necessary to abandon the demand of extradition."

To this it may be replied that the very terms of the extradition treaties require the guilt of the prisoner demanded to be established by such evidence as would justify a magistrate in committing him for trial in England, a condition which necessarily excludes the idea of giving up any one on mere decisions of French courts or magistrates. Such decisions might easily be obtained against mere political refugees, whom it was never intended to include. We have a shrewd suspicion that the prisoners, if any, whose extradition was refused, were of this class, but we simply disbelieve the assertion that none have been delived up. It is not long since four persons, charged with forgery of customs' warrants, were, we believe, handed over to the French authorities.

Liability of Railway Companies.

The Tribunal of Commerce has just given judgment in an action brought by MM. Mahyer and Havard against the Orleans Railway Company, to recover damages laid at 1,500fr., for the loss and inconvenience caused to them by the arrival of a train after time. The plaintiffs, on 5th March last, took tickets for Pau by the mail train, but owing to the heating of an axle of the post-office van the train was delayed at Poitiers, and consequently arrived at Bordeaux too late for the train to Pau. For the inconvenience and loss of time thus caused, the plaintiffs' claimed damages as above stated. The counsel for the company pleaded that the circumstance which had produced the delay was one of those inevitable accidents which relieved his clients from all responsibility. The Tribunal, however, refused to admit this plea, on the ground that the heating of an axle must arise either from a defect of construction or from negligence, and might be avoided by proper care. It therefore declared defendants responsible for the loss caused to the plaintiffs, which it estimated at 200fr., and accordingly condemned the company to pay that sum with costs.

State Papers.

The Imperial Court of Paris has just decided a point of law of some interest in an archæological and historical point of view, as it denies the right of the State to claim the property of papers belonging to the succession of deceased public functionaries, when the said papers consist of documents purely personal to their authors. In February, 1864, a Mlle. Mégret de Sérilly died at Theil (Yonne), and the person who administered to her will found, among her papers, a great number of manuscripts which had descended to her from her ancestor, M. Armand d'Etigny, who had been subprefect of Aix, Dax, and Carpentras. Besides 630 papers relating to his administration, there were others of purely archæological interest, relative to the old provinces of Alsace, Auvergne, &c. The administrator and heirs of Mlle. de Sérilly were willing to give up to the State all the papers relating to M. d'Etigny's administration as sub-prefect, but claimed the others as private property which had been handed down in the family for several generations. The Prefect of the Yonne, however, demanded the whole as the property of the State, and brought an action before the Tribunal of Sens for their recovery, which resulted in a judgment that all the papers relating to the sub-prefect's administration should be given up to the State, but that the other manuscripts should remain in the possession of the family. Against this decision the Prefect now appealed, but the Court, after hearing counsel at great length, declared that it must be confirmed.

International Marriage Laws.

The Civil Tribunal of the Seine was lately engaged in trying the validity of a marriage contracted in London between French subjects. A young widow named Picard, who kept a furnished hotel at Paris, wishing to marry a M. Ramar, who was objected to by her father and mother, sold her business on the 20th December last, went to London on the 27th, in company with Ramar, and was married there, at St. Patrick's Chapel, near the Strand, on the 1st January, without obtaining her parents consent or making any pub-

* We think that at the present time this evidence of the light in which the conduct of the troops in Jamaica is regarded by those who are exposed to similar difficulties themselves will be interesting, perhaps instructive, to our readers.—Ed. *S. J.*

lication of banns as required by the French laws. The newly-married couple immediately after returned to Paris, and the parents of the bride now appealed to the Civil Tribunal to have the marriage invalidated. After hearing counsel, the Tribunal decided that, as all the circumstances proved that the parties had gone to London solely for the purpose of avoiding the operation of the French laws, the marriage was clandestine, and accordingly declared it null and void. This decision is perfectly conformable to the best precedents in French law. The general maxim that a marriage legal in the country of its celebration is good anywhere, is always subordinate in France to the consideration whether the parties intended to evade the French code.* Young English ladies therefore must always be circumspect in regard to enterprising French suitors, as there is always a risk, in the absence of consent of parents, no matter what the age of the bridegroom, that an English marriage may not be valid in France. Now that the abolition of the extradition treaty shows extraordinary sensitiveness on the part of the French government, such "conflicts of laws" are more likely than ever to arise.

Trade Strikes.

The Imperial Court of Lyons has just confirmed the judgment of the Tribunal of St. Etienne, in the affair of the velvet-weavers of that town, found guilty of unlawful association and attack on the liberty of labour. The journals announce that the six persons condemned will appeal to the Court of Cassation.

SOCIETIES AND INSTITUTIONS.

ARTICLED CLERKS' SOCIETY.

At the meeting held at the Whittington Club, Arundel-street, Strand, on Wednesday, the 20th instant, Mr. Henry Jennings in the chair, the following subject was discussed:—"That a railway company should be compelled to purchase absolutely the surface of the land under which they may tunnel."

The motion was opened by Mr. Mead, and opposed by Mr. Edmund F. Davis; and was ultimately lost by a considerable majority.

COURT PAPERS.

QUEEN'S BENCH.

Sittings at Nisi Prius in Middlesex and London, before the Right Hon. Sir Alexander Edmund Cockburn, Bart., Lord Chief Justice of her Majesty's Court of Queen's Bench, in and after Hilary Term, 1866.

In Term.

Middlesex.

1st sitting,	Monday Jan. 15	3rd sitting,	Wdndy, Jan. 24
2nd ,,	Friday, ,, 19		

There will not be any sitting during Term in London.

After Term.

Middlesex.		London.	
Thursday	Feb. 1	Wednesday	Feb. 14

The Court will sit at 10 o'clock every day.

The causes in the list for each of the above sitting days in Term, if not disposed of on those days, will be tried by adjournment on the days following each of such sitting days.

PUBLIC COMPANIES.

ENGLISH FUNDS AND RAILWAY STOCK.

Last Quotation, December 28, 1865.

[*From the Official List of the actual business transacted.*]

GOVERNMENT FUNDS.

3 per Cent. Consols, 87¼	Annuities, April, '85, —
Ditto for Account, Jan 9 —87¾	10. (Red Sea T.) Aug. 1908 —
3 per Cent. Reduced, 86¾	Ex Bills, £1000, 3 per Ct. 3 dis
New 3 per Cent., 86¾	Ditto, £500, Do. 3 dis
Do. 3½ per Cent., Jan. '94 —	Ditto, £100 & £200, Do. 6 dis
Do. 2½ per Cent., Jan. '94 —	Bank of England Stock, 5½ per Ct. (last half-year) 245
Do. 5 per Cent., Jan. '73 —	Ditto for Account. —
Annuities, Jan. '80 —	

INDIAN GOVERNMENT SECURITIES.

India Stock, 10½ p Ct. Apr. '74 —	Ind. Enf. Pr., 4 p C., Jan. '72, —
Ditto for Account, —	Ditto, 5½ per Cent, May, '79, —
Ditto 5 per Cent., July, '70, 102¾	Ditto Debentures, per Cent., April, '64 —
Ditto for Account, —	Do. Do., 5 per Cent., Aug. '66, —
Ditto 4 per Cent., Oct. '88 97½	Do. Bonds, 4 per Ct., £1000, — pm
Ditto, ditto, Certificates, —	Ditto, ditto, under £1000, — pm
Ditto Enfaced Ppr., 4 per Cent. —	

RAILWAY STOCK.

Shares.	Railways.	Paid.	Closing Prices.
Stock	Bristol and Exeter	100	95
Stock	Caledonian	100	128½
Stock	Glasgow and South-Western	100	114
Stock	Great Eastern Ordinary Stock	100	43
Stock	Do., East Anglian Stock, No. 2	100	8¼
Stock	Great Northern	100	127½
Stock	Do., A Stock*	100	146¼
Stock	Great Southern and Western of Ireland	100	94
Stock	Great Western—Original	100	59
Stock	Do., West Midland—Oxford	100	40
Stock	Do., do.—Newport	100	37
Stock	Do., do.—Hereford	100	105
Stock	Lancashire and Yorkshire	100	122¾
Stock	London and Blackwall	100	92
Stock	London, Brighton, and South Coast	100	104
Stock	London, Chatham, and Dover	100	39
Stock	London and North-Western	100	126½
Stock	London and South-Western	100	96
Stock	Manchester, Sheffield, and Lincoln	100	63
Stock	Metropolitan	100	139
10	Do., New	£4:10	3¾ pm
Stock	Midland	100	123½
Stock	Do., Birmingham and Derby	100	95
Stock	North British	100	59
Stock	North London	100	128
10	Do., 1864	5	7¼
Stock	North Staffordshire	100	76¾
Stock	Scottish Central	100	150
Stock	South Devon	100	55
Stock	South-Eastern	100	74
Stock	Taff Vale	100	150
10	Do., C	3	4 pm
Stock	Vale of Neath	100	104
Stock	West Cornwall	100	51

* A receives no dividend until 6 per cent. has been paid to B.

Money Market and City Intelligence.

Our predictions respecting the continuance of a 6 per cent. rate of discount have been more than fulfilled. The directors of the Bank of England, at their weekly court on Thursday, raised the rate to 7 per cent., the highest point which it has attained during the year. They have thus retraced the steps taken by them on the 23rd ult., when they lowered the rate to 6 per cent. Since that date the coin and bullion have declined from £14,465,032 to £13,403,102, being a difference of £1,061,930, and the reserve has fallen from £8,631,072 to £7,591,267. Of this decrease about half-a-million occurred during the past week with respect to the coin and bullion, and a like amount in the reserve.

It is somewhat surprising that the Bank directors attributed so much importance to the decrease, whilst the remainder of the coin and bullion in the Bank is not less than thirteen and a-half millions. Their proceedings appear to be regulated entirely by the Act of 1844, or rather they appear "to better the instructions" contained in that inconvenient statute, for the amount of the bullion and reserve is far in excess of all requirements. The time selected by the directors for raising the rate is also inconvenient, as it tends to disturb the concluding financial calculations which traders and investors usually make at the end of the year.

It is certainly an anomaly of no ordinary magnitude that, notwithstanding the great facilities which exist for communication between France and England, the rate of interest remains there at 4 per cent., and does not indicate any signs of hydrostatic equilibrium with our own 7 per cent. rate. Capital must be very slow in passing between countries less united, socially and politically, than France and England, when a difference of 3 per cent. is not sufficient to attract loanable capital from one of the allied countries to the other. Some curiosity prevails as to whether the Bank of France will follow the example set by the Bank of England. We have no doubt they will, unless very favourable influences immediately begin to prevail, and fill the Gallic coffers with what the Gauls, as well as the Britons, are delighted with—viz., an increase of bullion.

The demand for discount at the Bank Office has recently been strong; and the general market is likewise brisk. The supply of money continues to decrease, partly owing to the drain on the Bank, which appears to be at present occasioned by the wants of the provinces, as well by exportation. Another cause for the present scarcity of money is attributable to the large revenue payments into the Bank. In the Stock Exchange money likewise has been in active demand, while the supply appeared scanty. The rate for short loans on Government securities was 6 to 7 per cent.

The discount establishments now allow 5 per cent. for money at call, 5½ at seven days' notice, and 6 at fourteen days' notice;

* As to the English law on this point, see *Brook* v. *Brook*, 6 W. R. 110

this is a rise of ½ to ¾ per cent. The joint-stock banks have also raised their terms for deposits from 4½ to 5 per cent. The London and Westminster, however, only allow 4 per cent. on sums under £500. The value of money in these days is certainly not to be despised. The reason why more is not brought into the loan market, when the price for loans is so satisfactory, is to be found in the fact that trade bids still higher than borrowers, and profits range at better rates than discounts. This is the only explanation that can be offered for the monetary paradox, that money is dear although trade is healthy, and panic not within the calculations of anyone.

The market for public securities has been dull since the rise in the bank rate of discount. On its announcement they fell ¼ per cent., but have since recovered an ⅛th. The speculative foreign stocks are also in little request. Banking, financial, and miscellaneous shares are likewise dull, with the exception of London Financial. Home railway stocks are the only exceptions to the general depression. This is owing to the increased traffic returns. South-Eastern, London and North-Western, and Metropolitan, have advanced most in price.

The amounts of bullion brought by the *Great Britain* and other vessels within the last week, having been re-exported, there is evidently a foreign drain on the Bank, or rather its store is not increasing. Until desideratim occurs the Bank directors will make no change in the rate of discount, and, consequently, there will be no general easy circulation of money.

Building and land companies and societies are becoming some of the most popular and profitable investments. Some of those already established have paid a dividend of £20 and £15 per cent. The general investing public rarely wish, however, to lend on building security without the intervention of a society, which, on account of its employment of proper scientific and legal advisers, is in no case likely to be imposed upon. Land and building investments, being of a peculiarly substantial and non-speculative character, we are not sorry to find that a building and land investment company (limited), has just been started for Ireland. Its departments are four-fold—1st, the share department, which consists of 100,000 shares of £10 each; 2nd, the advance or loan department, which will lend by mortgage on the premises built on the properties purchased by the company, or on other approved security; 3rd, the deposit and savings department, which will allow interest on deposits left with it; 4th, the debenture department, which will issue debentures "at a liberal rate of interest." The primary object of the company is, as the prospectus informs us, to afford to the shareholders "a secure and profitable means of investing capital, and of procuring funds to enable them to build or purchase dwelling-houses, to acquire land, or to obtain other real, leasehold, or personal property." This company appears to us calculated to supply a great social want in Ireland, and to bid fair to become a great success, if only conducted (as to which we have no ground for apprehension) with ordinary prudence. There can be no doubt that it will be largely patronised by the Irish public, who are no less desirous than the rest of the world to have a fixity of tenure, especially when this can be acquired by a gradual commutation of their tenancies into ownership in fee.

Provincial banks of deposit are becoming better aware than they appear to have been hitherto of the advantage of having a central office in the metropolis. The National Provincial Bank of England has just recognised the importance of such an organization, and intends opening branches in London in the course of next month. If this course were imitated by all provincial banks, it would doubtless be a very great accommodation to their customers.

A Lord Chief Baron's Leisure Hour—A Hint to Railway Travellers.—Railway travellers may take a "notch," and without fee, from no less a personage than the Lord Chief Baron, as to a very pleasant method of getting rid of the *ennui* experienced by most persons who have to pass an hour daily in a train running over the same route. Chief Baron Pollock, as many of our readers are aware, resides upon his estate in the vicinity of Feltham, on the Richmond and Windsor branch of the South-Western Railway. Fatigued, perhaps, by some protracted trial, his lordship, on reaching the Waterloo station, takes his seat in a first-class carriage. A neatly-constructed mahogany board, made to fold in two leaves, is then handed into the carriage, and, when placed upon the knees of the passengers, forms an excellent card-table, upon which a game of whist can be played with ease. Thus, very agreeably, in an innocent game with some friend, the venerable judge whiles away the time till Feltham is reached. The board is then returned to Waterloo, to be in readiness for another journey.

Law Reporters.—One of these was Sir Cresswell Cresswell, whose last judicial labours as Judge Ordinary of the newly-established Divorce and Probate Court were of signal service to the country, and who had previously, as a judge of the Court of Common Pleas, commanded the respect and admiration of the public and the profession. Sir Edward Hall Alderson was also a Queen's Bench reporter from 1817 to 1822. On the Northern Circuit Alderson was one of the most esteemed and efficient juniors of his day; and who that remembers him on the bench will forget his ready wit, his apt illustrations, and profound knowledge? A judge who but the other day was followed to the grave by his brethren with unusual marks of respect, was also a distinguished reporter. Sir Charles Crompton—to whom we refer—was associated in the Exchequer reports, first, with Mr. Meeson, and then with Mr. Meeson and Mr. Roscoe. Lord Chief Justice Jervis, one of the acutest lawyers of his day, was also, when at the bar, for some time a reporter; and another Chief Justice, when "plain John Campbell," reported the Nisi Prius rulings of the great Ellenborough. In after years Campbell could, with pardonable vanity, refer to his reports as enhancing the reputation of Lord Ellenborough as well as his own. "When I was a Nisi Prius reporter," he writes, in the "Lives of the Lord Chancellors," "I had a drawer marked 'Bad law,' into which I threw all the cases which seemed to me improperly ruled. I was flattered to hear Sir James Mansfield, C.J., say, 'Whoever reads Campbell's Reports must be astonished to find how uniformly Lord Ellenborough's decisions were right.' My rejected cases, which I had kept as a curiosity, not maliciously, were all burnt in the great fire in the Temple, when I was Attorney-General."—*The Reader*.

The Jamaica Commission and the Corporation of London.—A special meeting of the magistrates of the city of London, convened by the Lord Mayor, was held at Guildhall on Wednesday last, at one o'clock, to hear and take into consideration a communication which had been addressed to his lordship by Sir George Grey, the Home Secretary. There was a large attendance of the aldermen on the occasion, some of them having come from the country to be present, it being understood, though not so stated on the paper of business, that the cause of their being summoned at a time so unusual was the appointment of Mr. Russell Gurney, M.P., recorder of London, as a member of the commission about to proceed to Jamaica to investigate the circumstances attending the recent revolt of the negro population.

The Lord Mayor having taken the chair, the town clerk read the following two letters:—

"Whitehall, Dec. 22, 1865.

"My Lord,—I have the honour to transmit to your lordship the enclosed copy of a letter from the Under-Secretary of State for the Colonies, informing me by desire of Mr. Secretary Cardwell, that her Majesty's Government desire to appoint Mr. Russell Gurney, recorder of London, to act as a commissioner for inquiring into the recent lamentable occurrences in Jamaica.

"I trust that your lordship and the corporation of the city of London will feel at liberty to sanction the arrangement there proposed as to the recorder. In that case I request that your lordship will be so good as to inform me whether any steps are considered to be necessary to provide for the performance of the judicial or other duties of that officer in his absence, for which the assistance of her Majesty's Government is required.—I have the honour to be, my Lord, your lordship's obedient servant,

"The Right Hon. the Lord Mayor." "G. Grey."

[Inclosure.]

"Downing-street, Dec. 21.

"Sir,—I am directed by Mr. Secretary Cardwell to inform you that her Majesty's desire to secure the very valuable services of Mr. Russell Gurney, recorder of London, to act as a commissioner for inquiring into the recent lamentable occurrences in Jamaica.

"In order that Mr. Russell Gurney should proceed to Jamaica on this mission the concurrence of the Lord Mayor and corporation of London will be necessary. It will also be requisite that arrangements should be made for supplying his place as recorder, and her Majesty's Government would, of course, bear such expense as would be imposed on the corporation of London by this necessity.

"I am to request that you would move Secretary Sir George Grey to apply for the consent of the Lord Mayor and corporation of London to the acceptance of this mission by the recorder, and to request that the Lord Mayor would have the goodness to communicate either with Sir George Grey or with Mr. Cardwell as to the consequent pecuniary arrangements.—I am, &c.,

"T. Fredk. Elliot."

The Lord Mayor, addressing the Court, said he thought it his duty to tell them that the first letter he received on the subject was from Mr. Cardwell, dated the 20th of December, in reply to which he asked the Secretary of State for the Colonies to request Sir George Grey to write him (the Lord Mayor) an official communication, to be placed before the Court of aldermen. On Saturday he received the letter from Sir George Grey which had just been read to the Court, and he had convened this special Court—to the inconvenience, he feared, of some of its members at this festive season. He would take that opportunity of saying that he felt great disappointment that he (the Lord Mayor) was without any communication from the learned recorder himself on the matter. He knew no man, either in that great city or out of it, for whom he had so sincere a regard as for the re-

corder and for his distinguishing qualities, and he was satisfied that whatever public duty the learned gentleman might deem it his duty to undertake, the result would be for the benefit of his fellow-citizens in some way or other. He, however, could not refrain from expressing his disappointment—and he did so with the most unfeigned regret—that any negociation by a public officer of the corporation should have been carried on with the Government, or with any other body, in reference to an appointment, without some communication being first made to the City of London.

The Recorder said he was very sorry that anything which had taken place in relation to this matter should have given umbrage to the Lord Mayor, but the course that he (the recorder) had taken on the occasion had been perfectly plain. Not many days ago he received a communication from the Government expressing a wish to appoint him a member of the commission, but he at once refused, stating as a reason for declining that his duties in connection with the corporation of London were so onerous that he could not devote the necessary time to the proposed inquiry. Having said so much he thought the matter was at an end. The Government, however, seemed to attach some importance to the matter—he hardly liked to refer to himself personally in connection with it—and they stated that they would apply to the corporation to absolve him for a time from the discharge of his ordinary duties. His reply was that that was a course to which he could not give any assent, but that if they could make any arrangement with the corporation which should be satisfactory to all parties he would accept the appointment. Upon that understanding he had accepted it, but most unwillingly, seeing that it implied the discharge of a most anxious and painful duty. He had done it, however, from no wish of his own, but simply from its having been placed before him as part of a public duty.

The Recorder added, in reply to Mr. Alderman Sidney as to how long he might be absent from the country, that the voyage there and back would occupy about five weeks, and that his impression was that the inquiry might last about six weeks more, though that would depend upon the time when they got to work, for there were some preliminary steps to be taken in the colony before they could begin. He thought, perhaps, he might be absent until about the middle of April, but the Court was quite as competent as he was to form an opinion upon that point.

Mr. Alderman Copeland (the senior member of the court) thought the explanation which the learned recorder had given must have been satisfactory to the whole Court. For himself he must say the Government had shown its wisdom in the selection it had made in this case. He would say in passing, at the same time that he should have preferred the letter of Sir George Grey to have been addressed to the Court of Aldermen as such, whose officer the recorder was, rather than to the corporation at large, though the learned gentleman acted for the whole corporation. He said that because innovations had been made on their privileges as magistrates of London, and he liked to stand by the old ways, and to see that nothing was done to detract from the dignity of their position. As to the temporary discharge of the duties of the recorder as a judge of the Mayor's Court, where great questions of compensation were constantly arising, he suggested that the matter should be referred to a committee for consideration, with the view to some arrangement being made with the Government for the temporary discharge of those duties. He concluded by moving a resolution embodying the sanction of the Court to the acceptance by the recorder of the office of a commissioner for inquiring into the lamentable occurrences in Jamaica, granting him leave of absence for that purpose for six months, and referring it to their general purposes committee to consider and report as to the necessary steps to be taken for the performance of his judicial functions in the meantime.

The motion was briefly seconded by Mr. Alderman Wilson.

Mr. Alderman Sidney apprehended that they would never see the recorder again—not that he was distrustful of the care of Providence over his learned friend, but this was so marked a selection by the Government from the legal talent of the whole country that he could not but think he was destined to fill a higher position. Adverting to the forthcoming inquiry, he said it behoved the Court in that, the only way which was in their power—namely, by sanctioning the appointment of the recorder—to aid the Government in this emergency; and he trusted, as a matter of justice to all concerned, as well as of sound policy, that the investigation would be impartial and complete beyond all doubt or cavil, so as to satisfy the whole country.

The resolution was unanimously agreed to, and the Court immediately afterwards formed themselves into a committee for giving practical effect to the resolution.

Costs on Railway Bills.—An important Act of Parliament has just come into force, which will affect some of the numerous railway projects to be brought before Parliament in the approaching session. Committees of both Houses of Parliament are now empowered to award costs on private bills. Where a committee reports a "preamble not proved," the opponents are to be entitled to recover costs; and where a committee report unanimously that the "opposition is unfounded," the promoters are to be entitled to recover costs. No landowner who *bona fide* at his own sole risk and charges, opposes a bill which proposes to take any portion of the petitioner's property for the purposes of the bill, shall be liable to any costs in respect of his opposition to the bill. The costs are to be taxed, and may be recovered by action; and persons paying costs may recover a proportion from other persons liable thereto. There is a provision in the Act to make available for costs the deposits of money paid into the Court of Chancery. When a committee reports the "preamble not proved," the promoters are to pay costs out of the deposits: and every party entitled to receive any costs or sum so payable shall have a lien available in equity for the same on the money or stock deposited, and the lien shall attach thereon at the time when the bill is first referred to a committee of either House of Parliament. "Promoters" are defined to be when a bill is not promoted by a company already formed, all persons whose names appear to such bill as promoting the same, and in the event of the bill passing the company thereby incorporated shall be deemed to be "promoters." By an express clause the Act which was passed in May was not to take effect before the 1st November last.

Illegal Shipment of Gunpowder.—By the Liverpool dock laws, any captain having gunpowder on his vessel which is not duly entered on the ship's papers and reported to the dock officials is liable to a heavy fine. On Wednesday a case in point of rather an extraordinary nature came before the Liverpool magistrates. Captain Fowler, of the ship *Neva*, was summoned by the dock officers for having on board his ship eight barrels entered as "China clay" which were found to contain 800lb. of powder. Captain Fowler said that he had no idea the barrels contained gunpowder, as they were shipped at Antwerp for a firm in Manchester as "China clay," and so entered in the bill of lading. This evidence was corroborated by Messrs. Dunkerley & Steinman, the Liverpool consignees of the eight barrels, which they also thought were nothing but clay. The case against the captain was dismissed, but the magistrates ordered the dock officials to report the case to the dock solicitor, in order that he might take legal proceedings against the Manchester firm for whom the gunpowder was shipped at Antwerp.

Judicial Statistics.—The following is a correct list of the present judges, the years in which they were born, and the date of their first appointment:—

Court of Chancery.

The Right Hon. Robert Monsey Lord Cranworth, born 1790—Baron of the Exchequer, 1839; Vice-Chancellor, 1850; Lord Justice of Appeal, 1851; Lord Chancellor, 1852, and 1865.

The Right Hon. John Lord Romilly, born 1800—Master of the Rolls, 1848.

The Right Hon. Sir James Lewis Knight Bruce, born 1791—Vice-Chancellor, 1841; Lord Justice of Appeal, 1851.

The Right Hon. Sir George James Turner, born 1798—Vice-Chancellor, 1851; Lord Justice, 1853.

Sir Richard Torin Kindersley, born 1792—Master in Chancery, 1848; Vice-Chancellor, 1851.

Sir John Stuart, born 1793—Vice-Chancellor, 1852.

Sir William Page Wood, born 1801—Vice-Chancellor, 1852.

Queen's Bench.

The Right Hon. Sir Alexander James Edmund Cockburn, Bart., born 1802—Chief Justice of the Common Pleas, 1856; Chief Justice of England, 1859.

Sir Colin Blackburn, born 1813	Judge	1859
Sir John Mellor, born 1808	„	1861
Sir William Shee, born 1804	„	1864
Sir Robert Lush, born 1807—Judge, Michaelmas Term,		1865

Common Pleas.

The Right Hon. Sir William Erle, born 1793—Judge of the Common Pleas, 1845; transferred to the Queen's Bench, 1846; Lord Chief Justice of the Court of Common Pleas, 1859.

Sir James Shaw Willes, born 1814	Judge	1855
Sir John Barnard Byles, born 1801 . . .	„	1858
Sir Henry Singer Keating, born 1804 . .	„	1859
Sir Montague Edward Smith, born 1809 . .	„	1865

Exchequer.

The Right Hon. Sir Frederick Pollock, born 1783—Lord Chief Baron, 1844.

Sir Samuel Martin, born 1802 . .	Created a Baron	1850
Sir George Wm. W. Bramwell, born 1808	„	1856
Sir William Fry Channell, born 1804	„	1857
Sir Gillery Pigott, born 1813	„	1864

Admiralty Court.

The Right Hon. Stephen Lushington, born 1775—appointed Judge 1838.

Court of Probate.

The Right Hon. Sir James P. Wilde, born 1816—Baron of the Exchequer, 1860; Judge Ordinary, 1864.

Verdict of Manslaughter against a Royal Engineer Colonel.—On the night of Sunday week, William Webb Walters, aged 40 years, a messenger of the Exeter Bankruptcy Court, when passing through the Government grounds surrounding the Devonport lines, fell into the trench and was killed. His body was not discovered until Tuesday. On Wed-

nesday a coroner's inquest was held on deceased, when the jury, on ascertaining that the accident had arisen from there being no rail or fence between the ground and the trench, although if any person strayed from the regular foot-path they came upon a steep incline to the edge of the trench, felt indignant at such neglect of the lives of the public, and returned a verdict of manslaughter against Colonel Owen, commanding the Royal Engineers of the garrison, with whom the responsibility lay. The coroner, however, refused to take that verdict, alleging it was illegal. The jury then returned a verdict of accidental death, accompanied with the following remarks:—"The jury have returned a verdict of accidental death because the coroner has charged them, or has declared to them, that the evidence does not by law authorise a verdict of manslaughter; and the jury desire to express their opinion that did the law so permit—and they throw the responsibility of the law on the coroner—they would have returned a verdict of manslaughter against the officers of the War Department."

PREACHING VERSUS PRACTICE.—British philanthropy and humanity have been largely employed during the last four years in behalf of mercy and Christian charity to Jeff. Davis and all concerned in his bloody rebellion. This is British preaching. On the other hand, it appears that the black rebels of Jamaica are hung up in rows as fast as they are captured. This is British practice. Now this preaching of humanity and brotherly love may be a very good thing, but it is practice that makes it perfect.—*New York Paper.*

HABEAS CORPUS ACT—CURIOUS, IF TRUE.—Bishop Burnet relates a curious circumstance respecting the passing of the Habeas Corpus Act. "It was carried," says he, "by an odd artifice in the House of Lords. Lord Grey and Lord Norris were named to be the tellers. Lord Norris was not at all times attentive to what he was doing; so a very fat lord coming in, Lord Grey counted him for ten, as a jest at first; but seeing Lord Norris had not observed it, he went on with his misreckoning of ten; so it was reported to the House, and declared that they who were for the bill were the majority, and by this means the bill passed."

BIRTHS, MARRIAGES, AND DEATHS.

BIRTHS.

BEAUMONT—On Dec. 23. at Walton-place, Knightsbridge, the wife of Joseph Beaumont, Esq., Chief Justice of British Guiana, of a daughter.

MACNAMARA—On Dec. 23, at Marlborough-hill, St. John's-wood, the wife of H. T. J. Macnamara, Esq., Barrister-at-Law, of a son.

MACRORY—On Dec. 25, at Leinster-square, the wife of Edmund Macrory, Esq., Barrister-at-Law, of a daughter.

SMITH—On Dec. 21, at Brighton, the wife of C. Manby Smith, Esq., of the Inner Temple, one of the Masters of the Court of Queen's Bench, of a son.

PEACHEY—On Dec. 22, at Tavistock-terrace, the wife of James Pearse Peachey, Esq., of the Inner Temple, Barrister-at-Law, of a daughter.

RAWLINGS—On Dec. 24, the wife of C. J. Rawlings, Esq., Solicitor, Romford, of a daughter.

MARRIAGES.

LANGFORD—BAIN—On Dec. 18. at St. Pancras, B. F. Langford, Esq., to Lydia E., widow of Alexander Bain, Esq., Barrister-at-Law, of the Inner Temple.

LEE—MACKESON—On Nov. 20, at Dum Dum, near Calcutta, John Eastlake Lee, Esq., Lieut. H.M.'s 55th Regiment of Foot, and son of the Rev. W. M. Lee, M.A., Incumbent of Christ Church, Sandown, Isle of Wight, to Mary J., daughter of William W. Mackeson, Esq., B.A., Barrister-at-Law, of the Inner Temple.

PARKES—GRIFFITH—On Dec. 21, at St. George's, Bloomsbury, T. Parkes, Esq., of Gray's-inn-square, Barrister-at-Law, to Caroline, daughter of the late J. W. Griffith, Esq.

SULLIVAN—BRADY—On Dec 22, at the Parish Church, Monkstown, Robert Sullivan, Esq., LL.D., Barrister-at-Law, to Lucinda, youngest daughter of the late Captain Brady, of the 2nd West India Regiment.

SCHARLIEB—BIRD—On Dec. 19, at St. Paul's, Kersal, Manchester, W. M. Scharlieb, Esq., of the Middle Temple, Barrister-at-Law, to Mary A. D., daughter of W. C. Bird, Esq., Kersal-moor, Manchester.

WILLIAMS—LUSH—On Dec. 27, at St. Paul's, Hampstead, Watkin Williams, Esq., of the Inner Temple, to Elizabeth Anne, daughter of the Hon. Mr. Justice Lush.

DEATHS.

DAUBNEY—On Dec. 24, at Castor, Lincolnshire, Joseph Heaford Daubney, Esq., Solicitor, aged 53.

MARSH—On Dec. 26, at Boley-hill, Rochester, Bower Marsh, Esq., Solicitor, aged 30.

PARKER—On Nov. 24, at St John's, New Brunswick, the Hon. Robert Parker, Chief Justice of New Brunswick, aged 69.

UNCLAIMED STOCK IN THE BANK OF ENGLAND.

The amount of Stock heretofore standing in the following Names will be transferred to the Parties claiming the same, unless other Claimants appear within Three Months:—

BRETON, PETER, Esq., Southampton, and WILLIAM H BRETON, Esq., Bath. £543 9s. 6d. Reduced £3 per Cent. Annuities—Claimed by W. H. Breton, the survivor.

INGRAM, HENRY, Esq., New Cross, Kent. £350 New £3 per Cent. Annuities—Claimed by H. Ingram.

WATERS, JAMES, Arthur-street West, London-bridge, Wine Merchant, deceased. £100 New £3 per Cent. Annuities—Claimed by Ann Waters, widow, and Henry Grose, the executors.

LONDON GAZETTES.

Winding-up of Joint Stock Companies.

FRIDAY, Dec. 22, 1865.

LIMITED IN CHANCERY.

St. George's Brewery Company, Kidderminster (Limited).—By an order of the Master of the Rolls, dated Dec 11, it was ordered that the above company be wound up. Bird & Moor, Gray's-inn-sq, agents for Day, Kidderminster, solicitor for the petitioners.

Metropolitan Paper-Making Company (Limited).—By an order made by Vice-Chancellor Kindersley, dated Dec 15, it was ordered that the above company be continued. Gibbs & Tucker, Lothbury, solicitors for the petitioners.

Neath and Pelenna Colliery Company (Limited).—By an order of the Master of the Rolls, dated Dec 12, Samuel Lovelock, Coleman-st, was appointed provisional official liquidator of the above company.

TUESDAY, Dec. 26, 1865.

LIMITED IN CHANCERY.

St. Cuthbert Lead Smelting Company (Limited).—Petition for winding up, presented Dec 21, directed to be heard before the Master of the Rolls on Jan 13. Samuel Crane Fox, Winchester-buildings, provisional liquidator. Young & Co, Frederick's-pl, Old Jewry, solicitors for the petitioners.

Bychton Coal, Cannel, and Iron Company, Mostyn (Limited).—Petition for winding-up, presented Dec 18, directed to be heard before Vice-Chancellor Wood, Jan 20. Whitehouse, Lincoln's-inn-fields, agent for Harrison, Holywell, solicitor for the petitioner.

Glucose Sugar and Colouring Company (Limited).—Order to wind-up, made by Vice-Chancellor Wood, Dec 18. Vandercom & Co, Bush-lane, solicitors for the petitioner.

Neath and Pelenna Colliery Company (Limited).—Order to wind up, made by the Master of the Rolls Dec 16. Stephens & Smith, Staple-inn, solicitors for the petitioners.

Creditors under Estates in Chancery.

Last Day of Proof.

TUESDAY, Dec. 26, 1865.

Cantrell, Danl, Butterton, Stafford, Farmer. Jan 15. Hill *v* Challinor, V. C. Stuart.

Davidson, David Meyer, James-st, Buckingham-gate, Stock Broker. Jan 20. In re Davidson, V. C. Stuart.

Firth, Thos, Huddersfield, York, Machine Maker. Jan 20. Firth *v* Aston, V. C. Stuart.

Hainsworth, Wm, Halifax, York, Cotton Broker. Jan 20. In re Hainsworth, V. C. Stuart.

Owen, Thos Ellis, Southsea, Architect. Jan 20. Brownrigg *v* Brownrigg, V. C. Wood.

Owen, Catherine, Southsea, Widow, Jan 20. Brownrigg *v* Brownrigg, V. C. Wood.

Righton, Job, Chapel-en-le-Frith, Derby, Corn Dealer. Jan 30. Righton *v* Righton, M. R.

Williams, Thos. Cwmmole, Llanbadarn-y-Garreg, Radnor, Farmer. Feb 2. Powell *v* Jones, V. C. Stuart.

Creditors under 22 & 23 Vict. cap. 35.

Last Day of Claim.

FRIDAY, Dec. 22, 1865.

Adey, John, Poole, Dorset, Wine Merchant. Feb 1.

Battist, John, Chevening, Kent, Gent. Feb 1. Carnell, Sevenoaks.

Boothby, Rev Sir Brooke Wm Robt, Welwyn, Herts. March 31. M. & F. Davidson, Spring-gardens, Westminster.

Brett, John, Bath, Hotel Keeper. Feb 1. Little & Son, Bath.

Bridge, Eliz, Lorton Hall, Cumberland, Widow. Jan 22. Waugh, Cockermouth.

Cockton, Johannah, Lpool, Widow. March 1. Collier, Lpool.

Dodd, Hannah, Oxford-ter, Edgware-rd, Widow. Jan 30. Carpenter, Coleman-st.

Fisher, Wm, Lisson-grove North, Marylebone, Cab Proprietor. Jan 29. Bartleys & Saxton, Somerset-st, Portman-sq.

Fletcher, Wm Benj, Leeds, Grocer. Feb 1. Pullan, Leeds.

Foreman, Wm, Sevenoaks, Kent, Gent. Feb 1. Carnell, Sevenoaks.

Grove, Jas Blair, Plymouth, Devon, Commander in R.N. Jan 30. Smith & Son, Greenwich.

Hathrill, Jas, Boston-st, Regent's-pk, Licensed Victualler. Feb 1. Roberts, Bucklersbury.

Jarvis, Fanny, Rowde, Wilts, Widow. April 25. Vincent, Moorgate-street.

Liversidge, Wm, Waterloo, nr Lpool, Gent. March 20. Parr & Lloyd, Lpool.

Pirie, Wm, Warick-st, Pimlico, Gent. Jan 31.

Raybould, Susanna, Stafford, Widow. Feb 1. Corles, Worcester.

Smith, Geo, Warlingham-court, Surrey, Farmer. Jan 7. Shaen & Grant, Kennington-cross.

Strong, Chas Blundell, Budleigh Salterton, Devon, Gent. Jan 25. Sanders & Bureh.

Strong, Rev. Thos Linwood, Upper Seymour-st, Portman-sq. Oct 10. Davidson, Spring-gardens.

Sykes, John, Balsover-st, St. Marylebone, Captain R.N. Jan 31. Greatorex, Chancery-lane.

Welland, Rachel, Westbourne-park, Paddington, Widow. Feb 2. Upton & Co, Austin-friars.

Woollams, Sophia, The Villa, Upper Hamilton-ter, St John's-wood, Jan 29. Bartleys & Saxton, Somerset-st, Portman-sq.

TUESDAY, Dec. 26, 1865.

Aitken, Catherine, Newcastle-upon-Tyne, Widow. Jan 31. Mather & Cockcroft, Newcastle-upon-Tyne.

Bultitude, Jas, Mattishall, Norfolk, Farmer. March 1. Keith & Co, Norwich.

Chapman, Hannah, Surbiton, Surrey, Widow. Feb 1. Miller, Copthall-ct, Throgmorton-st.

Gooch, Amelia, Norwich, Widow. Feb 20. Keith & Co, Norwich.

Greville, Chas Cavendish Fulke, Bruton-st, Berkeley-sq, Esq. March 25. Watkins & Co, Sackville-st.

Isaac, Saml, Exeter, Accountant. Jan 20. Lascelles, Exeter.

Philipson, John, Houghton-le-Spring, Durham, Gent. Feb 1. Story, Durham.

Shalders, Richd, Grosvenor-st, Stepney, Builder. Jan 26. Mott, Harcourt-buildings, Temple.
Stones, John, West Hartlepool, Durham, Shopkeeper. Feb 8. Belk & Strover, West Hartlepool.
Whittie, Geo, Alston-with-Hothersall, Lancaster, Manufacturer. March 1. Charnley & Co, Preston.
Williams, Susan, Manchester-sq, Middx, Spinster. Feb 10. Twiss, Gray's-inn-sq.

Assignments for Benefit of Creditors.

TUESDAY, Dec. 26, 1865.

Glenn, John, Ballybay, Monaghan, Ireland, Provision Dealer. Dec 5. Quinn, Lpool.

Deeds registered pursuant to Bankruptcy Act, 1861.

FRIDAY, Dec. 22, 1865.

Bastard, Wm, Cheltenham, Gloucester, Tailor. Nov 24. Asst. Reg Dec 21.
Bastow, John, & Geo Foster, Nuneaton, Warwick, Flock Manufacturer. Nov 23. Asst. Reg Dec 19.
Bayley, Saml, Wednesbury, Stafford, Maltster. Nov 23. Asst. Reg Dec 21.
Bilton, Hy, Leeds, Joiner. Dec 3. Comp. Reg Dec 20.
Bradbeer, Jas, Queen-st, Pimlico, Grocer. Nov 27. Comp. Reg Dec 21.
Carapata, Peter, Gt St Helen's, Merchant. Dec 2. Comp. Reg Dec 21.
Conway, Thos, High-st, Notting-hill, Draper. Nov 30. Comp. Reg Dec 21.
Cottle, Eli, Mountain Ash, Glamorgan, Grocer. Dec 13. Comp. Reg Dec 20.
Dixon, Abel, & Cornelius Radcliffe, Habergham Eaves, nr Burnley, Lancaster, Painters. Dec 11. Comp. Reg Dec 19.
Durnford, Geo, Bottlesford, Wilts, Butcher. Nov 23. Asst. Reg Dec 21.
Edye, John, Red Cross-st, Borough, Boot Maker. Dec 15. Comp. Reg Dec 21.
Evans, John Simpson, Merthyr Tydfil, Glamorgan, Draper. Dec 8. Asst. Reg Dec 22.
Falliding, John, Linthwaite, York, Farmer. Nov 22. Asst. Reg Dec 20.
Greathead, Thos Wm, Middle-row, Holborn, Dealer in Berlin Wool. Dec 15. Comp. Reg Dec 21.
Greaves, Thos Hardy, Nottingham, Licensed Victualler. Dec 16. Comp. Reg Dec 19.
Gregory, Maurice, Weston-super-Mare, Somerset, Cabinet Maker. Dec 6. Asst. Reg Dec 21.
Guest, Barnet, Birm, Merchant's Clerk. Nov 29. Asst. Reg Dec 22.
Harrap, Joshua, & Geo Mason, Leeds, York, Felt Cloth Manufacturers. Dec 1. Comp. Reg Dec 19.
Hatch, Daniel, Southampton, Carrier. Nov 21. Asst. Reg Dec 19.
Hazlett, Francis, Bradford, York, Ironmonger. Dec 4. Comp. Reg Dec 20.
Holmes, Fredk, Birm, Boot Maker. Nov 21. Comp. Reg Dec 19.
Howes, Hy, High-st, Whitechapel, Woollen Draper. Dec 13. Comp. Reg Dec 21.
Howson, Thos, & Wm Wardle, Walmersley-cum-Shuttleworth, Lancaster, Cotton Manufacturers. Nov 28. Asst. Reg Dec 20.
Hunt, Geo, Hanley, Stafford, Sculptor. Nov 27. Comp. Reg Dec 21.
James, Edwd, Hampton Wick, Middx, Grocer. Nov 25. Asst. Reg Dec 21.
James, Hy, Abingdon, Berks, Grocer. Dec 15. Comp. Reg Dec 21.
Kitchiner, John, jun, Colebrook-row, Islington, Tailor. Nov 29. Comp. Reg Dec 21.
Knowles, Joseph, & John Green, Lincoln, Tobacco Manufacturers. Dec 2. Asst. Reg Dec 21.
Senior, Amos, Huddersfield, & Joseph Bradbury Mirfield, Woollen Spinner. Dec 19. Asst. Reg Dec 21.
Smiles, Chas Fredk, Crosby-Hall-chambers, Bishopsgate-st, Wine and Spirit Merchant. Dec 20. Comp. Reg Dec 21.
Smiles, Edwd, Hilldrop-crescent, Camden-town, Gent. Nov 25. Comp. Reg Dec 21.
Smith, Fredk Fletcher, Prestwich, Lancaster, Licensed Victualler. Nov. 25. Asst. Reg Dec 21.
Taylor, John, Manch, out of business. Dec 7. Asst. Reg Dec 20.
Villiers, Edmund, Frith st, Soho, Wholesale Jeweller. Nov 28. Comp. Reg Dec 20.
Vincent, Pizzey, Leadenhall-st, Printer. Dec 18. Comp. Reg Dec 20.
Weedon, Wm Geo, Grove-st, Commercial-rd East, Cooper. Nov 28. Comp. Reg Dec 20.
Williams, John, Monkton, Pembroke, Sawyer. Nov 25. Comp. Reg Dec 21.
Workman, John, Cheltenham, Gloucester, Grocer. Nov 23. Asst. Reg Dec 20.
Zucker, Chas, Chalk Farm-rd, Watchmaker. Nov 23. Comp. Reg Dec 20.
McWhirter, John, Lpool, Baker. Nov 22. Comp. Reg Dec 20.
Milner, John, Shaw Cross, nr Dewsbury, York, Rag Dealer. Dec 16. Comp. Reg Dec 20.
Nicholson, John, Gt Haywood, Stafford, Brewer. Nov 27. Asst. Reg Dec 22.
Oman, Chas Philip Austin, & Alan Ellis, Fenchurch-st, Ship Brokers. Dec 20. Inspectorship. Reg Dec 21.
Partridge, Jas, Lpool, Draper. Nov 27. Comp. Reg Dec 21.
Poole, Joshua Thos, Yeovil, Somerset, Grocer. Nov 27. Asst. Reg Dec 21.
Powell, Geo, Walsall, Stafford, Charter Master. Dec 13. Comp. Reg Dec 20.
Richardson, Richd, Granby-st, Hampstead-rd, out of business. Dec 15. Comp. Reg Dec 22.
Roberts, Ebenezer Richd, Southampton, Grocer. Dec 8. Asst. Reg Dec 21.
Rodmell, Geo, Sutton-in-Holderness, York, Farmer. Nov 29. Asst. Reg Dec 21.

TUESDAY, Dec. 26, 1865.

Bigland, Saml Hy, Leyton, Essex, Gent. Dec 22. Comp. Reg Dec 23.
Butler, Joseph, Birm, Licensed Victualler. Dec 7. Asst. Reg Dec 23.
Cowan, Geo, Birm, Draper. Nov 25. Asst. Reg Dec 23.
Cuadra, Buenaventura de, Mincing-lane, Merchant. Dec 22. Asst. Reg Dec 23.
Davis, John, Houndsditch, Importer of Foreign Goods. Nov 28. Asst. Reg Dec 26.
Evans, Mary Anne, Widnes Dock, Lancaster, Grocer. Dec 12. Asst. Reg Dec 23.
Farrow, Jas Albert Lawrence, Birm, Licensed Victualler. Dec 11. Comp. Reg Dec 23.
Fearn, Wm, Nottingham, Family Pill Manufacturer. Dec 8. Comp. Reg Dec 22.
Foster, Wm Sewell, Lpool. Dec 20. Conv. Reg Dec 23.
Hammond, Geo Wm, Plymouth, Devon, Builder. Nov 28. Asst. Reg Dec 26.
Hopkins, Hy, & Chas Fredk Hopkins, Birm, Steel Toy Manufacturers. Nov 27. Asst. Reg Dec 23.
Inchbold, Thos Mawson, Leeds, York, Stationer. Dec 9. Asst. Reg Dec 22.
Insley, Joseph, jun, Cauldwell, Derby, Farmer. Nov 27. Asst. Reg Dec 22.
Iveson, Fredk, Gracechurch-st, Timber Merchant. Dec 18. Comp. Reg Dec 23.
Kipp, Geo, Providence-row, Finsbury-sq, Tailor. Dec 12. Asst. Reg Dec 21.
Lindsay, Emma, Rhyl, Flint, Licensed Victualler. Dec 5. Comp. Reg Dec 23.
Lonsdale, Hugh, Old Accrington, Lancaster, Innkeeper. Dec 18. Comp. Reg Dec 22.
Mason, Jas, jun, Stone, Stafford, Farmer. Nov 25. Asst. Reg Dec 23.
Matthews, Chas, Bristol, Boot Maker. Nov 28. Asst. Reg Dec 22.
Millar, Richd John, Liverpool-rd, Islington, Oilman. Dec 15. Comp. Reg Dec 22.
Morrison, Alex, Brighton, Sussex, Draper. Nov 28. Asst. Reg Dec 22.
Mortlock, Edwin, Watling-st, Warehouseman. Dec 15. Asst. Reg Dec 23.
Potts, Francis Andrew Eugene, Pembroke, Clerk. Dec 22. Comp. Reg Dec 23.
Reynolds, Wm, Pontypridd, Glamorgan, Tailor. Nov 27. Asst. Reg Dec 26.
Salway, Eliz, & John Salway, Chippenham, Wilts, Carpenter. Nov 28. Asst. Reg Dec 26.
Sanderson, Chas, Worksop, Nottingham, Shoemaker. Dec 20. Asst. Reg Dec 23.
Sedgwick, Thos, & Alfred Wood, Chatham, Kent, Tailors. Nov 28. Asst. Reg Dec 26.
Simmons, Geo, & Mark Geo Simmons, Red Cross-st, Wholesale Furriers. Nov 30. Asst. Reg Dec 22.
Sutton, Wm, St George's-pl, Knightsbridge, Draper. Nov 27. Comp. Reg Dec 22.
Taylor, Wm, Shiffnal, Salop, Ironfounder. Nov 30. Asst. Reg Dec 23.
Thomson, John, Bradford, York, Woolstapler. Dec 1. Comp. Reg Dec 22.
Tompkins, Fredk, Windsor, Berks, Tobacconist. Nov 30. Asst. Reg Dec 23.
Truscott, Jas, Pembroke, Licensed Victualler. Dec 6. Comp. Reg Dec 23.
Wightman, Jas, Halifax, York, Chemist. Nov 29. Comp. Reg Dec 23.
Woods, Jas Pontifex, Borough, Surrey, Provision Merchant. Dec 1. Asst. Reg Dec 22.

Bankrupts.

FRIDAY, Dec. 22, 1865.

To Surrender in London.

Abrahams, John, New Nichol-st, Bethnal-green, Chairmaker. Pet Dec 18 (for pau). Jan 13 at 1. Hicks, Moorgate-st.
Binnington, Josiah, Primrose-st, Bishopsgate-st, Carpenter. Pet Dec 14. Jan 13 at 11. Chidley, Old Jewry.
Brandon, Raphael, Regent-st West, Architect. Pet Dec 18. Jan 17 at 12. Miller, Fenchurch-st.
Crupper, Wm, Prisoner for Debt, Canterbury. Adj Dec 15. Jan 3 at 1. Aldridge.
Elliott, Wm, Surrey Coal Wharf, Wandsworth, Coal Merchant. Pet Dec 20. Jan 3 at 1. Chipperfield, Trinity-st, Southwark.
Fisher, Robt, Lancaster-rd, Notting-hill, Builder. Pet Dec 16. Jan 13 at 12. Dennis, Southampton-buildings, Chancery-lane.
Hamilton, John, Oxford-st, Chemist. Pet Dec 18. Jan 17 at 12. Goldrick, Strand.
Herbert, Chas, Prisoner for Debt, London. Pet Dec 15. Jan 13 at 1. Reed, Guildhall-chambers.
Judd, Wm Thos, Stanwell Moor, nr Staines, Coal Merchant. Pet Dec 20. Jan 3 at 1. Goldrick, Strand.
Lelliott, Saml, Prisoner for Debt, Lewes. Adj Dec 15. Jan 17 at 1.
Mackrill, Thos, Baxter-rd, Essex-rd, Islington, out of business. Pet Dec 18. Jan 3 at 12. Johnson, Clifford's-inn, Fleet-st.
McCrea, Osborn Leith, St Mark's-rd, Notting-hill. Pet Dec 19. Jan 13 at 1. Breden, London-wall.
Myers, Edwd, St Honoré, Paris, Gas Metre Manufacturer. Pet Oct 10. Jan 13 at 11. Shiers, New-inn, Strand.
Nicol, Andrew, Camden-grove, North Peckham, Teacher. Pet Dec 14. Jan 15 at 1. Goldrick, Strand.
Renton, Saml Thos, Rodney-rd, Walworth, Livery Stable Keeper. Pet Dec 18. Jan 3 at 12. Hodgson, Aldenham-ter, St Pancras-rd.
Rickford, Fredk, Henley-upon-Thames, Oxford, Grocer. Pet Dec 19. Jan 17 at 1. Berkeley & Calcott, Lincoln's-inn-fields, and Messrs. Cooper, Henley.
Smith, Thos Painter, Islip-st, Kentish-town, Railway-ticket Collector. Pet Dec 20. Jan 13 at 12. Allen, Chancery-lane.
Shuttleworth, Hy, Birm, Jeweller. Pet Dec 14. Birm, Jan 8 at 10. Langman, Wolverhampton.
Simpson, Jas, Newcastle upon-Tyne, Dealer in Books. Pet Dec 19. Newcastle, Jan 6 at 10. Joel, Newcastle-on-Tyne.
Smith, Dan, Bradford, York, Boot and Shoemaker. Pet Dec 19. Bradford, Jan 9 at 9.45 Hill, Bradford.
Southcombe, John, South Brent, Devon, Miller. Pet Dec 21. Totness, Jan 13 at 12 Michelmore, Totness.
Sowter, Robt Hawes, St John's-road, Hoxton, Portmanteau Manufacturer. Pet Dec 20. Jan 17 at 1. Shepherd, College-hill.

Stone, Hy, Ledbury-rd, Westbourne-grove, Bayswater, Saddler. Pet Dec 19. Jan 3 at 12. Merriman & Buckand, Poultry.
Thomason, John, Malpass, Chester, Innkeeper. Pet Dec 15. Jan 6 at 12. Forshaw & Co, for Duncan & Co., Chester.
Tresham, Chapman, Brighton, Milliner. Pet Dec 1. Jan 3 at 12. Lumley, for Bentley, Brighton.
Wickham, Harriette, Regent-st, Wholesale and Retail Milliner. Pet Dec 21. Jan 3 at 1. Lowles & Co, Gracechurch-st.
Wickham, Thos, Sutherland-st, Pimlico, Dairyman. Pet Dec 20. Jan 17 at 1. Goldrick, Strand.
Willis, Geo Albert, Luton, Bedford, out of business. Pet Dec 18. Jan 17 at 12. Cartwright, Lawrence Pountney-hill, Cannon st.

To Surrender in the Country.

Browne, John, York, Artist. Pet Dec 2. Leeds, Jan 18 at 11. Dale, York.
Barrett, Wm, Condover, Salop, Wheelwright. Pet Dec 19. Shrewsbury, Jan 15 at 11. Davies, Shrewsbury.
Barker, Abraham, Weedon, Northampton, Manager of the Stone Iron Ore Co. Pet Dec 19. Manch, Jan 8 at 11. Marsland & Addleshaw, Manch.
Bell, Zachariah, Nottingham, Coal Merchant. Pet Dec 19. Birm, Jan 16 at 11. Cowley & Everall, Nottingham.
Collier, Jas, Lpool, Builder. Pet Dec 20. Lpool, Jan 5 at 11. Thornley & Archer, Lpool.
Davies, Thos Edwd, & Abraham Parker Davies, Wednesfield, Stafford, Coalmasters. Pet Dec 20. Birm, Jan 17 at 12. Smith, Birm.
Banfield, Thos Rashleigh, St Ives, Cornwal, Confectioner. Pet Dec 18. Penzance, Jan 1 at 11. Boyns, Penzance.
Eames, Wm, Newport, Monmouth, Licensed Victualler. Pet Dec 13. Newport, Jan 10 at 11. Morgan, Newport.
Elliott, Matthew, Ilkeston, Derby, Grocer. Pet Dec 16. Belper, Jan 18 at 2. Sugg, Ilkeston.
Elwell, Geo, Oldbury, Worcester, Moulder. Pet Dec 15. Oldbury, Jan 6 at 11. Corbet, Kidderminster.
Fielder, Ebenezer, Southampton, Boot Maker. Pet Dec 18. Southampton, Jan 12 at 12. Mackey, Southampton.
Green, Walter, Chester, Stonemason. Pet Dec 16. Chester, Dec 29 at 9. Cartwright, Chester.
Gregson, Jas, Prisoner for Debt, Lancaster. Adj Dec 13. Manch, Jan 12 at 11.
Hammonds, John, Tunstall, Stafford, Fishmonger. Pet Dec 19. Hanley, Jan 30 at 12. Brown, Newcastle-under-Lyme.
Harrison, Aaron, Birm, out of business. Pet Dec 14. Birm, Jan 8 at 10. Duke, Birm.
Hobson, Joshua, Gildersome, Batley, York, Druggist. Pet Dec 18. Leeds, Jan 8 at 11. Payne & Co, Leeds.
Hopkins, John, Seaforth, nr Lpool, Merchant. Pet Dec 20. Lpool, Jan 5 at 11. T. & T. Martin, Lpool.
Hoyle, David, Bury, Lancaster, Carpenter. Pet Dec 18. Bury, Jan 11 at 9. Anderton, Bury.
Hughes, Wm, & Wm Jones, Llandudno, Carnarvon, Wheelwrights. Pet Dec 16. Conway, Jan 1 at 12. Jones, Conway.
Hutchinson, Wm, Ossett, York, Rag Dealer. Pet Dec 16. Dewsbury, Jan 5 at 3. Stringer, Ossett.
King, Joseph, Botley, Southampton, Carpenter. Pet Dec 20. Southampton, Jan 12 at 12. Mackey, Southampton.
Lee, Geo, jun, Wymondham, Leicester, Licensed Victualler. Pet Dec 19. Birm, Jan 16 at 11. Petty, Leicester.
Maxwell, Geo Alfred, Birkenhead, Chester, Bat Dealer. Pet Dec 16. Lpool, Jan 6 at 11. Thomas, Lpool.
McGuire, Michael, Prisoner for Debt, Lancaster. Adj Dec 13. Manch, Jan 3 at 9.30. Gardner, Manch.
Oliver, John Green, Burgh-le-Marsh, Lincoln, Farmer. Pet Nov 18. Leeds, Jan 10 at 12. Chester, Hull.
Prytherch, Wm, Llantrissant, Anglesey, Farmer. Pet July 4. Lpool, Jan 2 at 12. Evans & Co, Lpool.
Radford, Hy, Litchurch, Derby, Miller. Pet Dec 20. Derby, Jan 2 at 12. Briggs, Derby.
Rays, Saml, Walcot, Bath, Florist. Pet Dec 14. Bath, Jan 2 at 11. Bartrum, Bath.
Richmond, Thos, Darlington, Durham, Builder. Pet Dec 18. Darlington, Jan 2 at 11. Clayhills, Darlington.
Robinson, Wm, Willington, Durham, Boot Maker. Pet Dec 19. Newcastle-upon-Tyne, Jan 12 at 12. Ingledew & Daggett, Newcastle-upon-Tyne.
Salter, Aaron, Cullompton, Devon, Carpenter. Pet Dec 16. Tiverton, Dec 30 at 11. Cockram, Tiverton.
Usherwood, Horace, Horsmonden, Kent, out of business. Pet Dec 20. Tonbridge, Jan 8 at 11. Trustram, Tunbridge Wells
Walker, John Wm, Leek, Stafford, Hairdresser. Pet Dec 21. Leek, Jan 4 at 11. Johnson, Leek.
Whitehead, Robt, Prisoner for Debt, Lancaster. Adj Dec 13. Manch, Jan 10 at 11.
Willis, John, & Wm Hutchinson, Ramsbottom, Lancaster, Manufacturers. Pet Dec 20. Manch, Jan 17 at 12. Richardson, Manch.

TUESDAY, Dec. 26, 1865.

To Surrender in London.

Bell, Percival Staunton, Prisoner for Debt, London. Adj Dec 19. Jan 10 at 11. Aldridge.
Broan, Eliza, Stratheden-villas, New-rd, Hammersmith, non-trader. Pet Dec 22. Jan 17 at 2. Lawrance & Co, Old Jewry-chambers.
Coxe, Geo Thos, Prisoner for Debt, London. Adj Dec 22. Jan 10 at 12. Aldridge.
Drew, Geo, Waterloo-rd, Cowkeeper. Pet Dec 21. Jan 16 at 11. Dobie, Guildhall-chambers.
Frees, Hy, Nottingham-pl, Commercial-rd East, out of employ. Pet Dec 21. Jan 17 at 2. Lewis & Lewis, Ely-pl.
Goldsmith, Phineas, Prisoner for Debt, London. Adj Dec 19. Jan 10 at 11. Aldridge.
Hayes, Jas Robt, Upper Clifton-st, Finsbury, Carpenter. Pet Dec 21. Jan 10 at 11. Webster, Tokenhouse-yard.
Levy, Sarah Ann, Wellington-st, Woolwich, House Agent. Pet Dec 21. Jan 10 at 11. Draper, Charlwood-st, Pimlico.
Man, Jas Hargrave, jun, Twickenham, Coach Builder. Pet Dec 21. Jan 16 at 12. Benham & Co, Essex-st, Strand.
Masters, Geo John, Woodbury, Gamlingay, Cambridge, Farmer. Pet Dec 18. Jan 13 at 1. Johnson & Co, King's Bench-walk, Temple.
Milne, Geo, Barham, Kent, out of business. Pet Dec 22. Jan 16 at 12. Shaw, Gray's-inn-sq, for Lee, Witney.
Owen, John Parker, Grange-rd, Dalston, Watch Maker. Pet Dec 21. Jan 17 at 2. Marshall, Lincoln's-inn-fields.
Seymour, John, Prisoner for Debt, London. Adj Dec 19. Jan 10 at 11. Aldridge.
Skertchley, Joseph, Prisoner for Debt, London. Adj Dec 19. Jan 10 at 11. Aldridge.
Smith, John, Brighton, Stationer. Pet Dec 20. Jan 13 at 12. Rae, Warwick-ct, Gray's-inn.
Storrar, Wm Saml, Barnsbury-rd, Islington, Gold Chain Maker. Pet Dec 22. Jan 10 at 12 Morris, Beaufort-buildings, Strand.
Welsh, Wm, Prisoner for Debt, Canterbury. Adj Dec 15. Jan 24 at 11.
Wilson, Joseph, High-st, Marylebone, Draper. Pet Dec 13. Jan 17 at 2. Davidson & Co, Basinghall-st.
Young, Leven. Arthur-st, St Leonard's-rd, Bromley, Smith. Pet Dec 22. Jan 24 at 11. Munday, Essex-st, Strand.

To Surrender in the Country.

Allen, John, Hanmer, Flint, Farmer. Pet Dec 21. Lpool, Jan 8 at 11. Tyrer, Lpool.
Barratt, Jas, Middlewich, Chester, out of business. Pet Dec 19. Birkenhead, Jan 9 at 12. Cartwright, Chester.
Barrett, Thos, Truro, Cornwall, Labourer. Pet Dec 13. Truro, Dec 30 at 10. Paull, Truro.
Bent, Joseph, Warrington, Lancaster, Blacksmith. Pet Dec 20. Chorley, Jan 25 at 10. Ambler, Manch.
Billard, Geo, Sheffield, Chimney Sweeper. Pet Dec 21. Sheffield, Jan 18 at 1. Micklethwaite, Sheffield.
Blackburn, Thos Wm, Market Weston, Suffolk, Innkeeper. Pet Dec 20. Thetford, Jan 8 at 12. Garrod, Diss.
Bolton, Thos, Cleveland, York, Shopkeeper. Pet Dec 20. Stockton-on-Tees, Jan 3 at 12.30. Simpson, Yarm.
Brown, Robt, Bedlington, Northumberland, Joiner. Pet Dec 21. Morpeth, Jan 11 at 10. Wilkinson, Morpeth.
Carey, Edwd, Hastings, Sussex, Greengrocer. Pet Dec 22. Hastings, Jan 13 at 11. Bilton, Hastings.
Davies, John, jun, Prisoner for Debt, Lancaster. Adj Dec 13. Lpool, Jan 8 at 3. Hime, Lpool.
Edwardes, David John Browne, Carmarthen, Esq. Pet Dec 22. Bristol, Jan 10 at 11. Abbot & Leonard, Bristol.
Elswood, Jas, Ilminster, Somerset, Yeoman. Pet Dec 23. Chard, Jan 12 at 12. Tweed, Honiton.
Hornby, Jas, & Robt Hornby, Clitheroe, Lancaster, Cotton Manufacturers. Pet Dec 23. Manch, Jan 17 at 11. Wheeler & Co, Blackburn.
Hughes, John, Prisoner for Debt, Ruthin. Adj Nov 8. Ruthin, Jan 24 at 10.
Lempriere, Francis Drocus, Newton St Petrock, Devon. Pet Dec 23. Bideford, Jan 9 at 12. Smale, Bideford.
Lockwood, Joseph Pratt, Penistone, York, Woollen Cloth Manufacturer. Pet Dec 18. Leeds, Jan 19 at 12. Floyd & Learoyd, Huddersfield.
Lowe, Benj, Dudley, Worcester, Charter Master. Pet Dec 21. Birm, Jan 15 at 12. Hodgson & Son, Birm.
Mayes, Geo, St Alban's, Hertford, Boot Manufacturer. Pet Dec 13. St Alban's, Jan 6 at 11. Annesley, St Alban's.
McCraw, Edwd Chas, Lpool, Agent. Pet Dec 21. Lpool, Jan 31 at 11. Wilson, Lpool.
Mullen, John Fleming Whitmore, Birkenhead, Chester, Adjutant. Pet Dec 20. Lpool, Jan 10 at 11. Anderson, Lpool.
Owen, Edwd, Llanbrynmair, Montgomery, Carpenter. Pet Dec 23. Machynlleth, Jan 10 at 1. Williams, Dolgelley.
Owen, Saml, Eglwys-fach, Carnarvon, Farmer. Pet Dec 21. Lpool, Jan 10 at 11. Evans & Co, Lpool.
Phelps, John, Worcester, Butcher. Pet Dec 21. Worcester, Jan 8 at 11. Wilson, Worcester.
Pope, Wm, Bristol, Baker. Pet Dec 22. Bristol, Jan 12 at 12. Roper.
Pritchard, Evan, Llawing, Carnarvon, Joiner. Pet Dec 23. Lpool, Jan 8 at 12. Blackhurst, Lpool.
Pulford, Wm, Wolverhampton, Stafford, no business. Pet Dec 20. Birm, Jan 8 at 10. Beaton, Birm.
Ritchie, Jas, Leeds, York, Coal Agent. Pet Dec 19. Leeds, Jan 12 at 12. Middleton & Son, Leeds.
Rosen, Julias, Prisoner for Debt, Bristol. Adj Dec 18 (for pau). Bristol, Jan 12 at 12.
Shaw, Robt, Prisoner for Debt, York. Adj Dec 16. York, Jan 6 at 11. Dyson, York.
Shepherd, Thos, jun, Welbourne, Lincoln, Butcher. Pet Dec 21. Birm, Jan 16 at 11. Brown, Lincoln.
Simpson, Wm, Prisoner for Debt, York. Adj Dec 16. Leeds, Jan 8 at 11.
Smith, Wm, Sheffield, Draper. Pet Dec 16. Leeds, Jan 19 at 12. Fernell, Sheffield.
Stanley, Geo, Nottingham, Coal Dealer. Pet Dec 15. Nottingham, Jan 31 at 11. Heath, Nottingham.
Stephenson, Joseph, Leeds, Warehouseman. Pet Dec 20. Leeds, Jan 12 at 12. Harle, Leeds.
Taylor, Joseph Manlove, Birkenhead, Chester, Ship Broker. Pet Dec 20. Birkenhead, Jan 9 at 12. Grocott, Lpool.
Tyndale, Ebenezer, Bilson Woodside, Newnham, Gloucester, Grocer. Pet Dec 22. Bristol, Jan 5 at 11. Goold & Carter, Newnham, and Abbot & Leonard, Bristol.
Vicent, Stephen, North Bradley, Wilts, Butcher. Pet Dec 18. Trowbridge, Jan 8 at 11. Shrapnell, Bradford.
Webster, Benj, Prisoner for Debt, York. Adj Nov 11. Leeds, Jan 12 at 12.
Wells, Harry, Gillingham, Kent, Wheelwright. Pet Dec 22. Rochester, Jan 9 at 12. Stephens, Chatham.
Westall John, Prisoner for Debt, Lancaster. Adj Dec 13. Blackburn, Jan 8 at 1. T. & R. C. Ratcliffe, Blackburn.
Whellan, Wm, Prisoner for Debt, York. Adj Dec 16. Leeds, Jan 8 at 11.
Wood, Thos, Saddleworth, York, Coal Dealer. Pet Dec 20. Manch, Jan 10 at 11. Taylor, Oldham.

THE NATIONAL BUILDING LAND AND INVESTMENT COMPANY

OF IRELAND (LIMITED.)

Incorporated under "The Companies Act, 1862," by which the liability of the Shareholders is limited to the amount of their Shares.

CAPITAL, £1,000,000.

FIRST ISSUE, £500,000, IN 50,000 SHARES OF £10 EACH.

Deposit on Allotment, 10s. per Share.

(Future Calls will be at intervals of not less than Three Months, and no Call will exceed £1 per Share.)

DIRECTORS.

CHAIRMAN—ANDREW M'CULLAGH, Esq. (Firm of James M'Cullagh, Son, & Co.), 34, Abbey-street, Lower, Dublin, and St. Brendon's, Coolock, Co. Dublin.

VICE-CHAIRMAN—ANDREW HERBERT BAGOT, Esq. (Firm of Bagots, Hutton, & Co.), 28, William-street, Dublin, and 24, Leinster-road, Rathmines, Co. Dublin.

JAMES WILLIAM MACKEY, Esq., J.P., Alderman, Lord Mayor Elect of the City of Dublin, 40, Westmoreland-street, Dublin, and Clonsilla House, Clonsilla, Co. Dublin.

HENRY ROBERT PERRY, Esq. (of the Firm of Pim, Perry, & Co.), 9, Burgh-quay, Dublin, and Idrone-terrace, Blackrock, Co. Dublin.

WILLIAM WIGHT, Esq. (Firm of William Wight & Co.), 23, Eustace-street, and Newenham-place, Upper Leeson-street, Dublin.

Bankers.

THE BANK OF IRELAND, DUBLIN, and all its Branches.

Secretary.

WILLIAM DALY, Esq.

OFFICES—27, DAME-STREET, DUBLIN.

Solicitors.

JAMES DILLON MELDON & SON, 14, Upper Ormand-quay, Dublin.

Architects and Surveyors.

EDWARD HENRY CARSON, Esq., C.E., F.R.I.A., and HENRY BRETT, Esq., C.E. Offices—25, Harcourt-street, Dublin.

This Company has been established for the purpose of efficiently carrying out, under the provisions of the Company's Act of 1862, the important objects of Building and Land Investment Societies—these objects being (as expressed more fully in the Articles of Association) to afford primarily to the Shareholders a secure and profitable means of Investing Capital, and of procuring Funds to enable them to Build or Purchase Dwelling-houses, to Acquire Land, or to obtain other Real, Leasehold, or Personal Property.

The powers taken by the Company in its Articles of Association include the dealing in Lands, Tenements, and Hereditaments, of any tenure or kind, and Securities of any kind in relation thereto, by Buying, Selling, Building, Improving, or Letting such Lands, Tenements, and Hereditaments, or otherwise.

The Erection of Buildings, either public or private, and either by the Company or by others, and the Improving, Repairing, Rebuilding, or Altering any Buildings, and the Draining of any Lands, and the laying-out or appropriating any portion thereof for Building or other purposes, and the construction of Roads, Gardens, Squares, or Ornamental Grounds, or otherwise Improving or Altering any Lands or Buildings, as the Directors may deem expedient.

The Letting or Leasing, for any term or terms of years, or otherwise, and the Selling, Exchanging, Mortgaging, or otherwise disposing of any such Lands, Tenements, and Hereditaments, for the whole or any part of the Estate, or Interest therein.

Also, the Receipt of Moneys on Deposit or Current Account, at Interest, or otherwise.

The advancement of moneys to members, corporations, communities, or others, upon the security of lands, messuages, tenements, or hereditaments, of any tenure or kind, or of any personal property, or upon any personal security situate in the United Kingdom, for the purpose of enabling the borrowers therein to erect, or purchase, or enlarge, or repair any dwelling-house, buildings, or business premises, or to purchase the fee-simple or any less estate or interest in any freehold or leasehold property situate in Ireland.

The Company offers, therefore, a secure and profitable investment for surplus income and capital, and enables the shareholders and others to apply their savings to the acquirement of freehold or leasehold properties, especially the houses in which they reside.

For these objects the Company makes advances out of its funds, for the purchase of properties for occupation or investment; such advances being secured by Mortgages or otherwise.

The rents of property so purchased thenceforth become applicable to the redemption of the mortgages or other securities given for the advances made.

Thus, in a few years, those who avail themselves of the advantages of the Company, will become proprietors of houses and land, of which they might otherwise continue as tenants only, and secure for themselves and families that important benefit—Exemption from rent. This most desirable result will, by the operation of the Company, be brought within the means of persons with moderate incomes, who might otherwise fail to accomplish so desirable and remunerative an appropriation of their savings.

The beneficial tendency of such a Company—its peculiar adaptation to the wants of the Tradesmen, Mechanics, and others—its tendency to produce and foster habits of thrift and economy, and a disposition to save, whilst it gives scope and opportunity for exercising that disposition, must be apparent to all. It will enable the working man and the Artisan, by small periodical instalments, commensurate with their means, to Build or Purchase Houses to live in, or Premises in which to conduct their business, or to secure to themselves and families Leasehold or Freehold Property for any other purpose. It will thus extend and enlarge the means for making provision for their families—quicken industry, and create a prudent and provident spirit—and on the community at large it will confer the inestimable advantage of the moral and social influence arising from a wider diffusion of persons of all classes holding a stake in the country.

In carrying out the foregoing objects, the Company will avail themselves of the many opportunities open to them in Ireland, as large Capitalists, to acquire land in rising neighbourhoods, eligibly circumstanced, to form Building Estates.

By appropriating these so as to secure uniformity and permanent value to the property to be erected upon them, and by liberal dealings, by advances, &c., to Builders and others who shall take plots, the Company may reasonably expect to realize large profits combined with perfect security.

In England the instances are numerous of very large profits realised by Building and Land Companies that purchased Estates and encouraged Building by loans of money; and in the immediate vicinity of Dublin there are remarkable instances of the progress of localities laid out for Building upon judicious plans.

The Company, on becoming owners of Building Ground, can greatly facilitate the pecuniary requirements of Builders, as it will not be necessary to subject them to the delay and ordinary expenses of mortgages and investigation of title where the loan is required upon plots held from the Company.

To persons who have already been enrolled as Members of Building Societies, and who desire to continue as such, this Company offers especial advantages, as they can obtain Land for the erection of Dwelling-houses suitable to their requirements, which cannot legally be purchased by such Building Societies.

The Bonds, Debentures, Deposit Receipts, and other Securities of the Company will form a convenient investment for large or small sums of money, at fair rates of Interest, and being based on the whole of the property of the Company and their uncalled-up Capital, they will, at the same time, afford an undoubted security to the investors.

Previously to the division of Estates purchased by the Company, Printed Forms, with Lists of Prices, and the quantities of each allotment, will be prepared and Exhibited at the Offices of the Company.

The operations of the Company will be divided into the following Departments:—

I.—THE SHARE DEPARTMENT.

The Capital of the Company consists of 100,000 Shares of £10 each. First Issue, 59,000 Shares.

A Deposit of Ten Shillings must be paid on Allotment; further Calls will be made at intervals of not less than Three Months, and will not, at any time, exceed One Pound per Share.

II.—ADVANCE OR LOAN DEPARTMENT.

All Advances made by the Company, as above, to be secured by Mortgage on the Premises so Built, or the Properties so Purchased, or on other Properties of sufficient bonâ fide value, or other approved security; and may be rapid by fixed and easy instalments.

III.—DEPOSIT AND SAVINGS DEPARTMENT.

The Company will receive money, on Deposit, bearing Interest as per Company's Tables (at their Offices), or otherwise as may be agreed upon.

Moneys thus Deposited may be withdrawn on a calendar month's notice, or such other notice as may be arranged at the time of Deposit, the Interest to cease on the first day of the month on which such notice is given.

IV.—DEBENTURES.

The Company will issue Debentures at a liberal rate of Interest.

The foregoing are the principal features of The National Building and Land Investment Company of Ireland (Limited), which the Directors now place before the Public, and in doing so desire to point out, that Companies formed on the same principle, and having the same objects, have invariably proved secure, profitable, and successful undertakings—as an evidence of which they would especially refer to the high Dividends paid by the following:—

The London and County Land and Building Company (Dec. 1864) £20 per cent. (and £10,000 to Reserve Fund).
The British Land Company (London) Dec. (1864) 15 (and £9,600 to Reserve Fund).
The Perpetual Building and Investment Society (London) (July, 1865) 10½.
The London and Suburban Building and Land Company (June, 1865) 12½.
The Temperance Permanent Building Society (London) (Dec., 1864) 7½ (Reserve Fund, £27,515).
The Freehold and Leasehold Building Society (London) (July, 1865) 9¾.
The Everton Perpetual Building Society (Liverpool) (Feb., 1865) 7.

In conclusion, the Directors have to remark that Building and Land Companies and Societies are becoming an important element of our social system; and time and experience has proved them to be, irrespective of other considerations, powerful instruments in improving the condition of, and giving a better moral tone to our people; and they feel assured that when the advantages of this Company become known it will receive from all classes that confidence and support which they claim for it on these grounds.

FULL PROSPECTUSES AND FORMS OF APPLICATION FOR SHARES

Can be obtained from the Secretary, at the Offices of the Company, No. 27, Dame-street, Dublin; at the Bank of Ireland, Dublin, and its several Branches; the Offices of the Solicitors to the Company, James Dillon Meldon & Son, 14, Upper Ormond-quay; at the Offices of the Surveyors of the Company, Edward Henry Carson, Esq., C.E., & Henry Brett, Esq., C.E., No. 25, Harcourt-street, Dublin; and the several Stock and Share Brokers in Dublin, Belfast, Cork, Limerick, Waterford, Londonderry, Galway, Drogheda, Newry, Dundalk, &c., &c., &c.

Law Life Assurance Society,

FLEET STREET, LONDON.

FOR THE ASSURANCE OF THE LIVES OF PERSONS IN EVERY STATION OF LIFE

Invested Assets—Five-and-a-quarter Millions Sterling. Annual Income—Half-a-Million.

Trustees.

The Right Hon. LORD STRATHEDEN AND CAMPBELL.
The Right Hon. LORD CHELMSFORD.
The Right Hon. Lord Justice SIR GEORGE J. TURNER.
JOHN GOBLE BLAKE, Esq.
GATHORNE HARDY, Esq., M.P.
GEORGE LAW, Esq.

Directors.

BIGGS ANDREWS, Esq., Q.C., Middle Temple.
FRANCIS THOMAS BIRCHAM, Esq., Parliament-street.
WILLIAM BROUGHAM, Esq., Brougham, Penrith.
The Hon. HALLYBURTON GEORGE CAMPBELL.
JOHN DEEDES, Esq., Inner Temple.
OLIVER FARRER, Esq., Lincoln's-inn-fields.
OLIVER WILLIAM FARRER, Esq., Inner Temple.
EDWARD FOSS, Esq., Croydon.
RUSSELL GURNEY, Esq., Q.C., M.P. (Recorder of London).
WILLIAM F. HIGGINS, Esq., Chester-place, Belgrave-square.
GROSVENOR HODGKINSON, Esq., M.P., Winthorpe Hall, Newark.
R. BULLOCK MARSHAM, Esq., D.C.L. (Warden of Merton College, Oxford).
GEORGE MARTEN, Esq., Parkfield, Upper Clapton.
WILLIAM MURRAY, Esq., Birchin-lane.
RICHARD NICHOLSON, Esq., Spring-gardens.
Mr. SERJEANT STORKS, Serjeants'-inn, Chancery-lane.
JOHN SWIFT, Esq., Great George-street, Westminster.
WILLIAM HENRY TINNEY, Esq., Q.C., Lincoln's-inn.
EDWARD TOMPSON, Esq., Stone-buildings, Lincoln's-inn.
CHARLES R. TURNER, Esq. (Master of the Court of Queen's Bench).
JOHN E. WALTERS, Esq., New-square, Lincoln's-inn.
WILLIAM H. WALTON, Esq. (Master of the Court of Exchequer).
ARNOLD W. WHITE, Esq., Great Marlborough-street.
JOHN YOUNG, Esq., Frederick's-place, Old Jewry.

Auditors.

HARVEY DRUMMOND, Esq., Charing-cross.
SIR THOMAS HENRY, Hanover-square.
HENRY HOARE, Esq., Fleet-street.
PHILIP LONGMORE, Esq., Hertford.

Actuary.

WILLIAM SAMUEL DOWNES, Esq.

Physician—F. M. LATHAM, Esq., M.D., Grosvenor-street.

Bankers—Messrs. HOARE, Fleet-street.

Solicitor—D. S. BOCKETT, Esq., Lincoln's-inn-fields.

Assurances are granted upon the lives of any persons for sums not exceeding £10,000, either with participation in Profits, or at a lower rate of premium without participation in profits.

Profits are divided every fifth year, four-fifths thereof being appropriated to the persons assured on the participating scale of Premium.

At the Six Divisions of Profits which have been made, Bonusses amounting in the aggregate to £4,161,147 have been added to the several Policies.

The claims paid to 31st December, 1864, amounted to £6,580,091, being in respect of sums assured by Policies, £5,167,984, and £1,412,107 in respect of Bonusses thereon.

Prospectuses, Statements of Accounts, Forms of Proposal, &c., may be obtained, and Assurances effected, through any Solicitor in Town or Country, or by application direct to the Actuary at the Office in London,

WILLIAM S. DOWNES, *Actuary.*